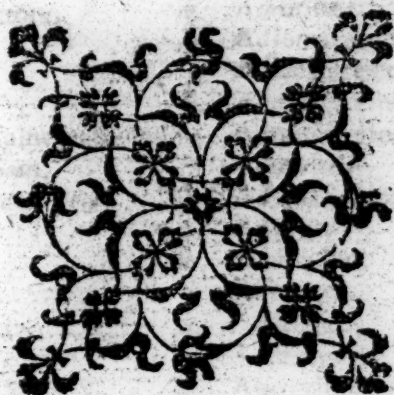
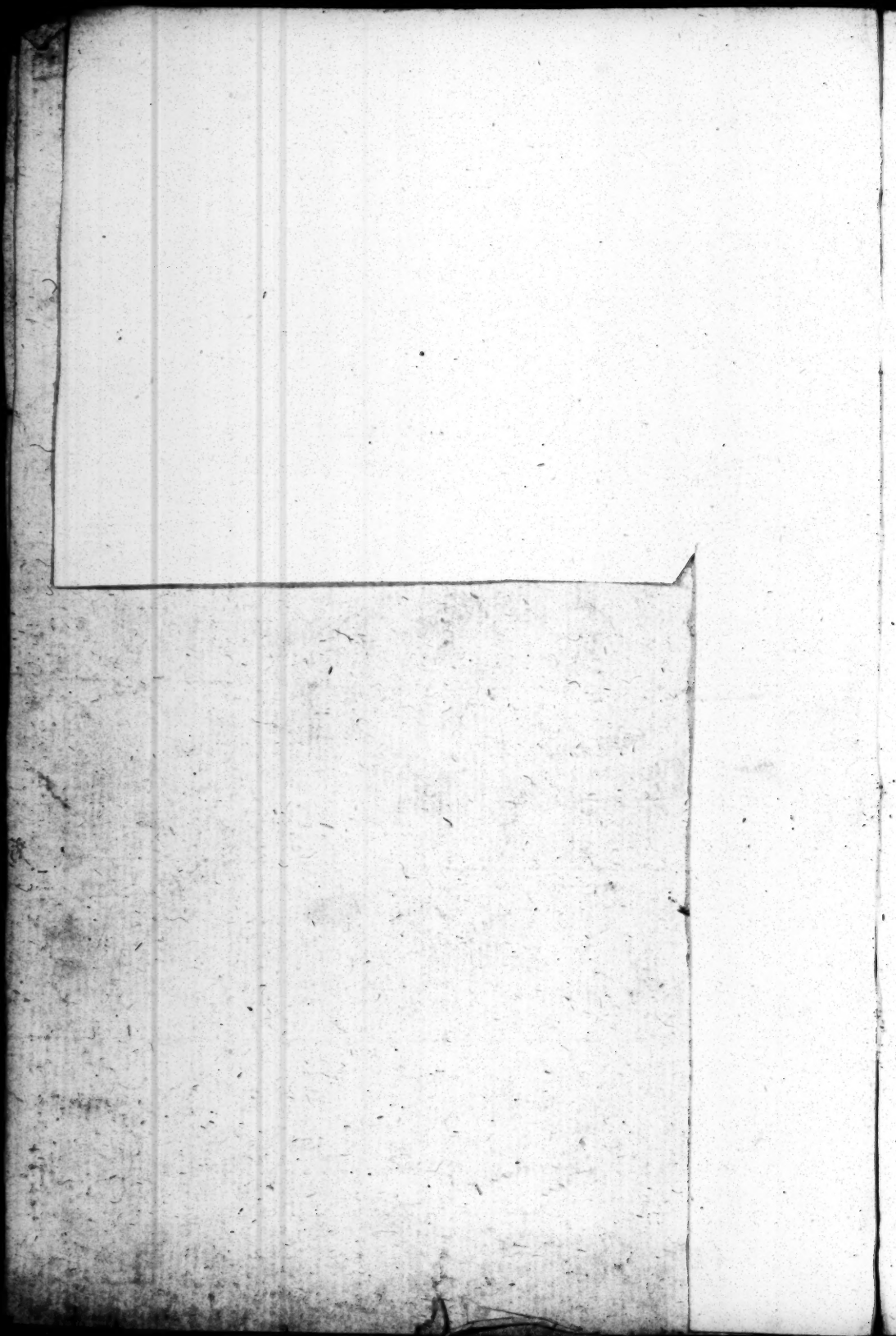


VE TWO hundred and fifty words.

*Lulia renascantur quæ jam cecidere, cadentque
nunc sunt in bonore vocabula, si volet usus.*



L O N D O N,
ed by I. Beale and R. Hearne,
1641.

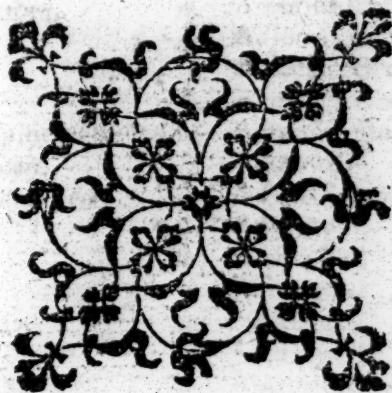


LES
TERMES DE LA LEY:

OR,
Certaine difficult and obscure
Words and Termes of the Common
Lawes and Statutes of this Realme now
in use expounded and explained.
Newly imprinted, and much in-
larged and augmented.

With a new Addition of
above two hundred and fifty words.

HOR. *Multa renascentur quæ jam cecidere, cadentque
Quæ nunc sunt in honore vocabula, si volet usus.*



L O N D O N,
Printed by I. Beale and R. Hearne,
1641.

THE NEW YORK

OR

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CY ENSUIST LE TABLE DE TOUTS LES TITLES CONTEINUS

en cest Lieur ; auxy bien ceux *que fueront par*
devant, come tiels queux sont nouvelment
adjoindre, que vous trovers signes ove
cest asterifme. *

A.

A Batement de brieve ou	Acquitall.	9
plaint Fol. 1.	Acre.	ib.
Abatement en fres. ib.	Acquitance.	10
Abbe. 2	Acts.	ib.
Abbettors. ib.	Additions.	ib.
Abbeyance. ib.	Adjournement.	11
Abilherfing. 3	Admeasurement de dower.	ib.
Abjuration. ib.	Admeasurement de pasture.	ib.
Abridgmēt de plaint ou demand 4	Administrator.	12
Accedas ad Curiam. 5	Admirall.	ib.
Accedas ad vicecomitem. ib.	Ad quod dampnum.	ib.
Acceptance. ib.	Advent.	13
Accessories. ib.	Advowson.	ib.
Action. 6	Afferors.	ib.
Actions personels. ib.	* Affiance.	14
Actions reals. 7	* Affray.	ib.
Action popular. ib.	Age prier.	ib.
Action mixt. ib.	* Agist.	15
Action del brieve. ib.	Agreement.	ib.
Action sur le case. 8	Agent & patient.	16
Action sur le statute. ib.	Ayde.	17
Account. ib.	Ayde de Roy.	ib.
Accord. ib.	Ayle.	18
	A 3	* Alec

Le Table.

* Aler sans jour	ib.	Attainder	31
* Aletafter	ib.	Attaint	ib.
Alien	ib.	Attendant	ib.
Alienation	19	Attorney	ib.
* Alloy	ib.	Attournement	32
Almageor	ib.	Audita querela	ib.
* Almner	ib.	Averment	ib.
Ambidexter	20	* Average	ib.
Amehdment	ib.	Averpeny	ib.
Amercement	16.	Augmentation	ib.
Amercement royal	ib.	* Awme	33
* Amoveas manus	21	Ancient & emefne	ib.
An, jour, & wast	ib.	* Aumone	ib.
* Aniente	ib.	* Avbir de pois	34
* Annates	ib.	* Auncell weight	ib.
Annua pensione	ib.	Avowry	ib.
Annuity	ib.		
* Ancylance	22		B.
Appeale	ib.		
Appendant & appurtenant	23	B Adger	34
Apportionment	ib.	Baile	35
* Appoftata capiendo	24	Bailement	ib.
Appropriations	ib.	Baylife	ib.
Approver	25	Backberendtheefe	36
Approvement	ib.	Bankrupt	ib.
* Approvers le roy	ib.	* Bannerer	37
Arbitrement	26	* Baanum	ib.
* Arches	ib.	Bargaine & Sale	ib.
Array	ib.	Barre	ib.
Arrain	ib.	* Barre fee	38
Arrest	27	* Barter	ib.
Arerages	ib.	Barretor	ib.
Arretted	ib.	Base fee	ib.
Affart	ib.	Bastard	ib.
* Affayer	ib.	* Baston	39
Affets	28	Batraile	ib.
Affigne	ib.	Battery	ib.
Affice	ib.	* Bedel	40
Affife de darrein presentment	29	* Befaille	ib.
Affife de Mordancefter	ib.	Bewpleader	ib.
Affociation	ib.	Bigamy	41
* Affoyle	30	* Billawes	ib.
Affumfit	ib.	Billinguis	ib.
Attache	ib.	* Billa vera	ib.

Le Table.

Blackmaile	42	Chaplein	ib.
Bloodwit	ib.	Chaprer	54
* Bockland	ib.	Charge	ib.
* Borow	ib.	Charter terre	ib.
Boote	ib.	Charters	55
Broodhalpny	ib.	* Charter party	ib.
* Bloodyhand	ib.	Chafe	ib.
Bull	ib.	* Chauntry	56
Briefe	ib.	Chevage	ib.
* Broker	43	* Chevifance	ib.
* Bullion	ib.	Childwit	ib.
Burgage	ib.	Chimin	ib.
Brughbote	44	* Chiminage	57
Burghbote	ib.	Chirographer	ib.
Burbreach	ib.	Chivalry	ib.
Burgh English	ib.	Chose en action	59
Burglary	ib.	Churchwardens	ib.
		Churchesfet	ib.
		Cinqueports	ib.
		Circuit de action	ib.
		Circumstantibus	60

C.

Capacity	44	City	ib.
Cape	45	Clacke	ib.
Cape ad valentiam	ib.	Claine	61
Capias	46	Clergy	ib.
Capite	ib.	Clerk	62
Carke	47	Clerke attraint	ib.
Carno	ib.	Clerk convict	ib.
* Carracke ou Carricke	ib.	* Clothe	ib.
Carve de terre	ib.	Coadintor	ib.
Castallain	ib.	* Cocket	ib.
Castle gard	48	Coinc	63
Casu confimili	ib.	* Codicill	ib.
Casu proviso	ib.	Collaterall	ib.
Catals	ib.	Collation	64
Certiorary	49	Colour	ib.
Certificate	ib.	Colour de office	65
Certification de affise	ib.	Collufion	ib.
Ceffion	50	Commandry	ib.
Ceffavit	ib.	Commandment	ib.
Challenge	ib.	Commendam	66
Chamberdekins	51	Commiffary	ib.
Champerty	52	Commiffion	ib.
Chancemedly	ib.	Commiffion de rebellion	67
Chapiter	53		

Le Table.

Committee	ib.	Consuſance	ib.
Common ley	ib.	Coraage	85
Common	68	* Cordwainer	ib.
* Common fine	ib.	Cornage.	ib.
Common plect	69	Corodie	ib.
Common jour en plect de terre	ib.	Coroner	86
Commotes	70	Corporation	87
Communi custodia.	ib.	Corps politick	88
* Compromise	ib.	Corruption de ſanke	89
Computation	ib.	Corſe preſent	90
Computo	71	Cofinage	ib.
Concealers	ib.	* Cottage	91
Concluſion	ib.	Covenant	ib.
Concord	72	Couverture	ib.
Concubinage	ib.	Covin.	92
Conders	ib.	Cui in vita.	ib.
Condition	ib.	Cui ante divortium	ib.
Confederacy	73	Count	ib.
Confefſion del offence.	74	Counſee	93
Confirmation	ib.	Comntenance	ib.
Confiscate	75	Countie	ib.
* Congeable	ib.	Court	94
Conge de ſlier	76	Court baron	ib.
Conjuration	ib.	* Cranage	95
Conſervator del truce	ib.	Crecke. Curtilage	ib.
Conſervator del peace	77	Couthleculaugu	ib.
Conſideration	ib.	Coucher	ib.
* Conſiſtory	ib.	* Creanſur	ib.
Convocation	ib.	Croft	ib.
Consolidation	78	Cuckingſtoole	ib.
Conſpiracy	ib.	Cuntey. Curfew.	96
Conſtable	79	* Currier	ib.
Conſultation	ib.	Curſiter	ib.
Contentement	80	Cuſtome	ib.
Continuance	ib.	Cuſtos brevium	97
Cuſtome	ib.	Cuſtos rotulorum	ib.
Continual claime	ib.	Cuſtos des ſpiritualties	ib.
Counterplee	81	Curteſie Dengleterre	98
Countermand	ib.	* Cuynage	ib.
Contract	82		
Contra formam collationis	ib.		
Contra formam feoffamenti	ib.		
Contributione facienda	ib.		
Copihold	84		

D.

DAmage
Dane geld

99
100
Darein

Le Table.

Elegie

Le Table.

Elegie	132	Estoppell	ib.
Elopement	133	Estovers	ib.
Emblements	ib.	Estrangers	148
Embroufour	134	Estray	ib.
Emparance	ib.	Estreac	ib.
*Encroachment	135	Estrepiement	ib.
*Encheson	ib.	Estate probanda	ib.
*Enditement	ib.	Exaction	149
*Endowment	ib.	Exception	ib.
Enfranchisement	ib.	Excommengement	ib.
Englesherie	136	Exchange	ib.
Enheritance	ib.	Execution	150
*Enitia pars	137	Executor	ib.
*Enquest	ib.	Exemplification	ib.
Entendement	ib.	Exemption	151
Enterpleader	ib.	Ex mero motu	ib.
Entire tenancie	ib.	Exigent	ib.
Entre	ib.	* Exigenter	ib.
Entre en le per coi & post	138	Ex gravi querela	152
Entre ad communem legem	139	Ex parte talis	ib.
Entre in casu proviso	ib.	Expeditate	ib.
Entre in casu consimili	ib.	Expensis militum levandis	ib.
Entre ad terminum qui præterit	ib.	Extend	ib.
*Entre sine assensu capituli	140	Extinguishment	ib.
Entre causa Matrimonii prælo-	ib.	Extortion	153
cuti	ib.	Evesdropper	ib.
Entrusion	ib.	Evidence	ib.
Entrusion de gard	ib.		
*Equity	ib.		F.
*Errant	141		
Errours	142	*Faculty	154
Escape	ib.	Failer de record	ib.
Escheate	143	Faint action	ib.
Escheatour	ib.	Falt	ib.
*Eschequer	144	*Faitour	157
Esneey	ib.	Farding deale	ib.
Escuage	ib.	Farne	158
Esplees	145	*Fate ou fatt	ib.
Essendi quietum de colonio	ib.	Faux imprisonment	ib.
Essoine	ib.	Faux judgment	ib.
Essoino de malo lecti	146	*Fee	ib.
Establishment de dower	ib.	Fee farne	159
Estandard	ib.	Fee simple	ib.
Estate	147	Fcoffement	ib.
			Fcoffor

Le Table.

Eoffor & feoffee	ib.	Fresh fuit	169
Fealtie	ib.	*Friperer	ib.
Felonic	160		
*Ferdfare	ib.	G.	
*Ferdwit	ib.		
*Fence month	ib.	Gable	169
*Feodary	ib.	Gager de deliverance	ib.
*Feude	161	*Gainage	170
Fieri facias	ib.	*Gaole ou Gaile	ib.
*File	ib.	*Garbe	ib.
Fine	ib.	Garble	ib.
*Fifteenth	162	Gardeine des Spiritualties	ib.
*Filacer	ib.	Garrantie des Charters	ib.
*Finders	ib.	Garrantie	171
*Fineforce	ib.	Garrantie	172
*Finors	163	*Garrantie del jour	173
*Firstfruits	ib.	Gard	ib.
Firebote	ib.	Garde in	ib.
Fledwit	ib.	*Gardeins del Eglise	174
Flerneswit	ib.	Garnishment	ib.
Fletwit	ib.	Gavelet	ib.
Floarlam	ib.	Gavelkind	175
Footgeld	ib.	Gawgeour	ib.
Forrest	ib.	Gild	176
*Forrefter	164	*Gers	ib.
*Eorfeiture de mariage	ib.	Grand Cape	177
*Forger des faux faits	ib.	Grand Sergeantie	ib.
Forejudger	ib.	*Grande Distres	ib.
Formedon	ib.	*Gree	ib.
Forein	165	*Greene hewe	ib.
Forestall	ib.	*Greene wax	178
Forestaller	166	Grith breach	ib.
*Founder	ib.	Gule de Auguft	ib.
Fourcher	ib.	H.	
*Franchise	ib.		
Franchise royall	ib.	Habeas corpus	178
Frankealmoigne	ib.	Habendum	ib.
Franke banke	167	Habere facias feisinam	179
Franke chafe	ib.	*Halfe feale	ib.
Frake fee	ib.	*Haly mote	ib.
Franke ley	ib.	*Hambling ou Hoxing des chiens	ib.
Franke marriage	168		
Franketenement	ib.		
*Fresh force	ib.	Handgun	ib.

Le Table.

Hangwit	ib.	Infongthiefe	ib.
Hague	180	Information	ib.
*Haquebut	ib.	*Ingrosser	189
Harior	ib.	Inhibition	ib.
Haward	ib.	Injunction	ib.
*Haukers	ib.	*Inmates	ib.
Haybore	ib.	Instant	ib.
*Headborow	181	*Inrolement	190
Heretico comburendo	ib.	*Intention	ib.
*Heireloom	ib.	*Inventory	ib.
Hidage	ib.	Joyntenants	ib.
*Hoblers	182	*Journyes accounts	191
Hoghenhine	ib.	Joynture	192
*Homagio respectuando	ib.	Juris utrum	ib.
Homine capto in Withernam	ib.	*Justicies	ib.
*Homine replegiando	ib.	*Justice seat	193
Hotchpot	ib.		
Homage	183		
Homage ancestroll	ib.		
Homelaken	ib.	L Arcenie	193
Homicide	ib.	*Laches	ib.
Honour	184	*Lagan	ib.
Hornegeld	ib.	*Lapse	ib.
*Hospitallers	ib.	Lastage	194
Houscbote	ib.	*Latitat	ib.
Hue & cry	185	*Lawday	ib.
Hundred	ib.	Leases	ib.
Hundredum	186	*Leete	ib.
*Hustinges	ib.	*Legacy	ib.

L.

		Lessor & Lessee	195
		Levant & Couchant	ib.
		*Levari facias	ib.
I.		Ley	ib.
Deor	186	*Libell	196
Idemptitate nominis	ib.	Liberate	ib.
Icofaile	ib.	Libertate probanda	ib.
Ietsam	187	Ligeance	ib.
Alloyall assemblee	ib.	Limitation	ib.
*Impeachment de wast	ib.	Livery de seisin	ib.
*Implements	ib.	*Lollards	198
*Impost	ib.	Lothervit	ib.
Imprisonment	188	*Lushborow	ib.
*Incumbent	ib.		
Indicavit	ib.		
*Indorsement	ib.		

M.

Le Table.

M.

N.

MAi him
Mainprise
Mannour
*Mandamus
*Mansion
*Manucaprio
Manumission
*Marches
*Marchers
*Marshall
*Marshallsea
*Maugre
Maximes
Maynour
Maintenance
*Meafe
*Medietas linguæ
*Melius inquirendo
*Merchanlage
*Mesuage
*Meafondue
Mefne
Misprifion
*Mife
*Mifericordia
*Mittimus
Monftrans de faits
Mordancefter
Monftraverunt
*Menftrance de droit
Mortgage
Moderata mifericordia
Mortmaine
*Mortuary
Mulier
*Muniments
*Murage
Murder
*Mufter

198
ib.
199
ib.
ib.
ib.
ib.
200
ib.
ib.
ib.
ib.
201
ib.
ib.
ib.
ib.
202
ib.
ib.
ib.
ib.
ib.
203
ib.
ib.
204
ib.
ib.
ib.
205
ib.
206
ib.
ib.
207
ib.
ib.
ib.
ib.
ib.

NAam
Natiyo habendo
Ne admittas
Non omittas propter libertatē
Negativa pregnans
Ne in iuste vexes
Neife
Nihil dicit
Nifi prius
Nomination
Nonability
*Nonclaime
*Nonsuit
Nude contract
Nufans
Nuper obiit

207
208
ib.
ib.
ib.
209
ib.
210
ib.
ib.
ib.
ib.
ib.
211
ib.
ib.

O.

* **O**Dio & Atia
Ordæl
Ordelfe
*Ordinary
*Oufter le mayne
Outfangtheefe
Oweltic
Oier de records
Oyer & terminer

211
ib.
212
ib.
ib.
213
ib.
ib.
ib.

P.

PAine fort & dure
*Pannell
Pape
*Paramont
Paraveile
Parceners
Partitiō
*Parco fracto
*Parfon imperfonce
*Paſport
*Pannage ou Pawnage

213
214
ib.
ib.
ib.
ib.
215
216
ib.
217
ib.
Par-

Le Table.

Regra-

Le Table.

Regrator	ib.	Sessions	ib.
Rejoynder	ib.	*Sewers	ib.
Relation	ib.	Severance	248
Release	235	Shewing	ib.
Reliefe	ib.	Sok	ib.
Remainders	236	*Sockmans	ib.
Remembrancer del Eschequer	ib.	Socage	249
Remitter	ib.	Summons ad warrantizandum	
Rents	237	&c.	250
Replevin	241	Spoliation	ib.
Replication	ib.	*Stablestand	251
Reprises	ib.	Stallage	ib.
*Reprive	ib.	Statute merchant	ib.
*Rere Countie	ib.	*Superfedeas	252
Resceit	242	*Supplicavit	ib.
Rescous	ib.	*Stilyard	ib.
Reservation	ib.	*Suffragan	ib.
*Residence	ib.	*Sur cui in vita	ib.
Resignation	243	*Surplusage	ib.
*Resummons	ib.	*Surrejoynder	ib.
*Resumption	ib.	*Surrender	ib.
Retraxit	ib.	*Swainmore	253
Reeve	ib.		
Reversion	244		
Riot	ib.		
Robberie	ib.		
Rour	ib.		

S.

Sake	244	F ^E c Taile	253
*Salarie	245	Taile apres possibilie	ib.
Sanctuary	ib.	Tales	254
Sarpler	ib.	*Talwood	ib.
*Scandalum magnatum	ib.	Tax & Tallage	ib.
*Scavage	ib.	Tenure in capite	ib.
Seire facias	ib.	Terme dans	ib.
Scot	246	Testament	255
*Scotale	ib.	Thanus	ib.
*Selion	ib.	Them	256
*Seneshall	ib.	Theftbote	ib.
*Sequestration	ib.	Title	ib.
Service de Chivaler	247	Title de Entre	ib.
Shack	ib.	Tol on Tolne	ib.
		*Toft	257
		*Tolt	ib.
		*Tonnage	ib.
		*Tortred	ib.
		Transgressio	ib.

Travers

Le Table.

Travers	258	Vics	266
Treason	259	Vfury	ib.
Treasure trove	ib.	Vtlary	267
Trial	ib.	Vtrum	ib.
Trover	ib.		
* Tumbrell	ib.		
* Turbary	ib.		
Turne del viscount	ib.		
<i>V.</i>			
* VAlore maritagii	260	W Age	268
* Venew	ib.	Waife	ib.
Verge	ib.	Waive	ib.
Verderer	261	Wapentake	269
* Vert	ib.	Warden	ib.
* View de franck pledge	ib.	* Wardmote	ib.
View	ib.	* Warrantia dici	ib.
Vi Laica removenda	262	* Warrantia chartæ	270
Villeinage	ib.	Warren	ib.
* Villenous judgement	264	Warwit	ib.
Viscount	ib.	Wast	ib.
* Uncore prift	265	* Wharfe	ib.
Volunt	ib.	Withernam	ib.
Voucher	ib.	Woodgeld	271
		* Woodmote	ib.
		Wolferthfod	ib.
		Wreck	ib.

W.

H O R. *Nec tua laudabis studia, aut aliena
reprendes.*

TERMES OF THE LAW.

1 Abatement of a Writ
or Plaint.

A Batement of a Writ
or Plaint, is when
any actiō is brought
by writ or Plaint,
wherein is lacke of
sufficient and good matter,
or else the matter alledged
is not certainly set downe,
or if the Plaintiffe or De-
fendant, or place are misna-
med, or if there appeare va-
riance betwene the Writ and
the Specialty, or Record,
or that the Writ or the Decla-
ration bee uncertaine, or for
death of the Plaintiffe or De-
fendant, and for diuers other
like causes, than upon those
defaults, the Defendant may
pray, that the writ or Plaint
may abate, that is to say, that
the Plaintiffes suit against
him may cease for that time, &
that he shall begin againe his
suit, and bring a new writ or
Plaint, if he be so disposed to
doe. But if the Defendant in
any Action pleade a matter in
Barre, for to aduull the action
for ever, he shall not come af-
terwards to pleade in Abate-
ment of the writ, but if after it

Abatement de briefe
ou Plaint.

A Batement de Briefe
ou Plaint, est quant
un action est port
per Briefe ou plaint,
in que fault suffici-
ent, & bone matter ou auter-
ment le matter alleage nest
certainment alleage, ou si le
Plaintiffe ou Defendant, ou
lieu sont misnomm, ou si la
appeare variance perenter le
Briefe & le Specialtie, ou
Record, ou que le Briefe
ou Declaration sont uncer-
taine, ou p mort del Plain-
tiffe ou Defendant; & pur
diuers autres semblable cau-
ses, donques sur ceux Defaults,
le Defendaunt poit prier que
le Briefe ou Plaint abaterra,
cest adire, que le suit del
Plaintiffe enuers luy cessera
pur cest temps; & que il
commencera auter temps son
suit, & port un novel Briefe
ou plaint, sil soit issint dispose
a faire. Mes si le Defendant en
ascun action plede un mat-
ter en barre pur adnullet
de Action a tous jours, il
ne viendra apres a pleder en
abatement de Briefe, mes si
B apres

The Exposition of

apres il apiert en le Record, que est ascun matter apparant pur que le Brieft doit estre abate, donque le Defendant ou ascun auter person, ut amicus curiæ poit bien plede & monstre ceo en arrest de judgement.

Veies les titres de brieft Misnosmer, & Variance en les Abridgements, & le liuer appel le Digests del Briefes, en quest est fort bien entreat especialment de ceux matters.

appeare in the Record, That there is some matter apparant for the which the writ ought to be abated, then the Defendant, or any person, as a friend to the Court may well pleade and shew them in arrest of judgement.

See the Titles of Writ, Misnomer, and Variance in the Abridgements, and the Booke called the Digests of Writs, in which it is very wel entreated, especially of these matters.

Causes de abatement de Brieft ou Plaint.	{ Fault de sufficient ou bone matter.	
	{ Le matter nest certainment alledge.	
	Plaintife, Defendant, ou Lieu	{ Misnosme.
	Variance enter	{ Brieft, Specialty, ou Record.
	Uncertainty del	{ Brieft, Count, ou Declaration.
	Mort	{ Plaintife, ou Defendant.

Abatement en terres.

A Batement en terres ou Tenements, e& quant un home morust seisie de terres ou Tenements, & un que nad droit entra in mesmes les terres ou tenements devaunt que le heire fait son entre, cest entry de

Abatement in lands.

A Batement in lands or tenements, is when a man dieth seised of lands or tenements, & one that hath no right entereth into the same lands or Tenements before the heire maketh his entry, this entry of

him is called an abatement, & he an Abator. But if the heire enter first after the death of his Ancestor, and the other enter upon the possession of the heire, this entry of him is a disseisin to the heire. Look in the Book of Entries, fol. 63. c. & 205. d. & 519. e. Where this word Abatement is called in Latine Intrusio, And I think it better to call it in Latine, Interpositio, or Intratio p interpositionem, to make a difference betwene this word and intrusion after the death of the tenant for life.

luy est appellé un Abatement & il un Abator. Mes si le h'r'e enter primes apres le mort de son ancestor, & le autre enter sur le possession del heire, cest entry de luy est un disseisin al heire. Vide leur Dentries, fo. 63. c. & 205. d. & 519. e. lou cest abatement est appel en Latin, Intrusio. Et ico entend destre melius de appeller ceo en Latin, Interpositio, ou intratio p interpositionem, de faire difference enter ceo parol & intrusion puis le mort de le tenant pur vic.

3 Abbot.

ABbot, was the sovereign head, or chiefe of those houses, which whē they stood were called Abbies, and this Abbot together with the Monks of the same House, who were called the Covent, made a Corporation: such a Sovereign of any such House, shall not be charged by the act of his Predecessor, if it be not by Common seale, or for such things which come to the use of his house. Also an Abbot shall not be charged for the debt of his Monke before his entry in Religion, though the creditor have an especialty thereof, except it have come to the use of his house: But the Executors of the Monke shall be charged therewith.

Look for this in the Abridgements, the same Title, under which you shall see that some

Abbe.

ABbe fuit le souveraine reſte, ou principall de ceux measons, queux qnt ils fueront appel Abbeyes, & cest abbe ensemble oue les Moignes de m le meason, queux fueront appell le couent, fiere un Corporac, & tiel souveraine de ascun tiel meason ne serra charge per le act de son predecessor, si ne soit per common seale, ou p tiel chose que vient al use de son meason. Auxy un Abbe ne serra charge per le det en que son cōmoigne fuit in det devant sō entrī in Religio mesque le creditor ad de ceo un especialty, si non que il avoit deuenus al use de son meason. Mes les executors del commoigne serr' charge oue ceo.

Vide p ceo en le Abridgements mesme title, de south quel veies comenu ascuns de
B 2 ceux

The Exposition of

ceux fueront elective, ascun presentative. Et coment fueront prefects, & leur authority. Et in cel title sont auxy comprehend tous auters Corporations spirituall, come Prior & son Covent, Friers & Canons, Deane & Chapter.

4

Abbettors.

Abbettors sont in divers cases diversement prise: un kind de abbettours sont ceux qui malicieusement sans droitur cause ou desert, procurer ausi d' fuer faux appeals de murder ou felony enuers hommes al intent de troubler & greuer eux, & pur faire eux en infamie & flander. Abbettors en murder sont ceux que command, procure, counsell, ou comfort ausi d' murder. Et en ascun case tiel abbettors seront prises come principals, & en ascun case forsque come accessories: Issint en auter felonies. Et leur presence a le chose fait, & leur absence d' la, fait un difference en le case. Il y ad abbettors auxi en treason, mes ils sont en cas come principals, car en treason il ny ad ascun accessories.

Veies plus de ceo en le liure appelle les plees del Corone, compile per le tresreverend judge Sir W. Stamford, en les titles de Accessories, & Damages en appeal.

5

Abciance.

ABeiance est quant un leas est fait pur terme de vie,

of them were elective, some presentative. And how they were made governours, and their authority. And in this title are also comprehended all other Corporations spirituall, as Prior and his Covent, Friers and Canons, Deane and Chapter.

Abbettors.

Abbettors are in divers cases diversly taken. One kinde of Abbettors are they that maliciously without just cause or desert doe procure others to sue false appeales of murther or felony against men, to the intent to trouble & grieve them, & to bring them to infamy and slander. Abbettors in murders are those that command, procure, counsell, or comfort others to murder. And in some case such abbettors shall be taken as principals, and in some case but as accessories: So in other felonies. And their presence at the deed doing, and their absence maketh a difference in the case. There are Abbettors also in treason, but they are in case as principals, for in treason there are no accessories.

Looke more in the Booke called the Plees of the Crowne, made by the right worshipfull Judge Sir W. Stamford, in the titles of Accessories, and Damages in appeal.

Abciance.

ABeiance is when a lease is made for terme of life, the reman-

remainder to the right heyres of J. S. which J. S. is living at the time of the grant, now by this grant the remainder passeth from the grantor presently, yet it vesteth not presently, nor taketh hold in the Grantor, that is to say, the right heyre of J. S. but is said to be in Abeyance, or else as the Logicians terme it in posse, or in understanding, and as we say in the clouds, that is to wit, in the consideration of the Law, that if J. S. die having a right heire, and living the lessee for life, then this is a good remainder, and now vesteth and cometh in to the right heire, in such sort, as that he may grant, forfeit, or otherwise dispose the same, and ceaseth to be any more in abeyance, for that there is one now of ability to take it, because that J. S. is dead, & hath left a right heire in life, which could not be, living J. S. for that during his life none could properly be said his heire. Also if a man be a patron of a Church, and presenteth one to the same, now is the fee of the lands and tenements pertaining to the rectory in the parson, but if the parson die & the Church is become voyd, then is the fee in abeyance, until there be a new parson presented, admitted, and inducted, for the patron hath not the fee, but onely the right to present, and the fee is in the incumbent

le remainder al droit heires de I. S. le quel I. S. est en vie al temps del grant, ore per cest grant le remainder passa hors del grantor maintenant, unco il ne vesta maintenant, ne prist effect en le grantee, cest adire le droit heire de I. S. mes est dit destre en abeyance, ou come les Logiciens appelle ceo in potentia, ou in intellectu, & come nous dicimus in nubib⁹, cest-ascavoir, en le consideration de le ley, Que si I. S. morust ayant un droit heire en vie, & viuant le lessee pur vie, donques ceo est un bone remainder, & a ore veste & vient en le dit droit heire, en tiel sort que il poit graunt, forfait, ou autrement dispose ceo, & cessa destre ore en abeyance, pur ceo que il est un a ore de ability pur prendre ceo, pur ceo que I. S. est mort & ad relinquish un droit heire en vie, le quel ne poit, estre viuant I. S. car durat s^o vie nul poit pperment estre dit son heire. Item si un home soit patron dun esglis, & present auter a ceo, Ore est le t^{ee} d^s terres ou tenements perteignant al rectorie en le parson, mes si le parson morust & le esglise est deuenus voide, donque est le fee en abeyance, tanque il soit un novel parson present, admit & induct, car le patron n^ad le fee, mes solement le droit de presenter, & le fee est en le incumbent, que est present,

The Exposition of

& puis son mort, il né en aucun, mes in abeyance, tanque il soit un novel incumbent come est avant dit.

Veies Litt lib.3. cap.11. f. 145. & Perk. f.12.

6 Abisherfing.

ABisherfing (& in ascun copies Misherfing) hoc est quiet esse de amerciamentis coram quibuscunque de transgression probata.

7 Abjuration.

ABjuration est un serement, que home ou feme pregn ount quauant ils ount commisse felony, & sue al Eglise ou cimitery, ou auter lieu privilege pur tuition de lour vies esliant pluistost perpetuall banishment hors de Royalm, que a estoyer a le ley, & destre trie del felony. En cel case deuant le Coroner il serra tiel confession que puit faire sufficient enditement de felony, donques le Coroner al common ley luy ferra de abjure la Realme, & assignera a luy a quel Port il alera, & luy jura que il ne va hors del hault chymin, & que il ne demurra a le port, (si il poit aver bone passage) forsque un flood & un ebbe, & si il ne poyt aver passage, que il alera chescun jour duraunt xl. jours en le mere a son genu: Mes si tiel felon que abjure ala hors de la chymin, & sua

that is presented, & after his death, it is in no body but in abeyance, till there be a new incumbent as is aforesaid.

See Litt his 3. booke ca.11. f.145. And Perk. f.12.

Abisherfing.

ABisherfing (and in some copies Misherfing) that is, to be quit of amerciements before whomsoever of transgression proved.

Abjuration.

ABjuration is an oath that a man or woman shall take when they have committed felony, and fly to the Church or churchyard, or to any other place privileged for safeguard of their lives, choosing rather perpetuall banishment out of the realm, than to stand to the law, & to be tried of the felony, in which case before the Coroner he shall make such confession, which may make a sufficient inditement of felony, then the Coroner at the common law shall make him to forswear the Realm, & shall assigne him to what port he shall goe, and shall swear him that he goe not out of the high way, & that he should not abide at the port (if he may have good passage) but one flood and one ebbe, & if he cannot have passage, then he shall goe every day during xl. daies in the sea to the knees: But if such a felon as abjureth goe out of the high way, & flyeth to another place, if he be

be taken, he shall be brought before the Judge, and there shall have judgement to be hanged. But if he which so prayeth the priviledge will not abjure, then he shall have the priviledge for xl. dayes, and every man may give him meat and drinke. But if any give him sustenance after xl. dayes, although it be his wife, such giving is felony. Also he that doth abjure shall be delivered from one Constable to another, & from one franchise to another, till that he come to his port, and if the Constable will not receive him, he shall be grievously amerced. Look the Oath in the Treatise de Abjuracione Latronum.

And this Law was instituted by S. Edward the Confessor, a King of this Realme before the Conquest, and was grounded upon the law of mercy, & for the love and reverence, no doubt, that he and other his successours did beare unto the house of God, or place of prayer and administration of his Word & Sacraments, which wee call the Church. Note, this law is now changed by the Statutes 21. H. 8. cap. 2. 22. H. 8. cap. 14. and 32. H. 8. cap. 12. by which it appeareth, that he at this day shall not abjure the Realme, but all his liberty of this Realme, and all his liberrail and free habitations, resorts, and passages from all places of this Realme, to one certaine

a autre lieu, si il soit prise, il serra amesne devaunt le Judge, & la auera judgement destre pendus. Mes sil que issint pria la privilege ne voile abjure, donques il auera la privilege p. xl. jours, & chescun poit luy doner viand. Mes si ascun done luy viand apres xl. jours, mesque il soit sa feme, tiel doner est felony. Auxy cestuy que abjure serra deliver per un Constable al autre, & de un franchise al autre tanque il vient a son port, & si le Constable ne voit receive luy, il serra grievousment amerce. Vide Juramentum in tractu de Abjuracione Latronum.

Et cest ley fuit institute per S. Edward le Confessor, un Roy de cest Realme deuant le Conquest, & fuit ground de le ley de mercie, & pu le amour & reverence, sauns doubte, que il & auters ses successors porteront al meason de dieu, ou lieu de praiers & administration de son parol & Sacraments, le quel nous appelloms Esglise. Nota cel ley est ore change per Statutes 21. H. 8. cap. 2. 22. H. 8. cap. 14. & 32. H. 8. cap. 12. p. queux appiert, que il a cel jour ne abjurera le Realme, eins tout son libertie de cest Realme, & tout son liberal & frank habitations, resorts, & passage de tous lieux de cest Realme, a un certaine lieu en cel Realme a ceo limit
B 4 per

The Exposition of

per 32. Hen. 8. cap. 13. & 33. Henr. 8. capit. 15. Vide plus in Stamford libr. 2. cap. 10. & vide ore lestat. 1. Jac. cap. 25. & 21. Jac. cap. 28. pur repeale des tous statutes que concerne persons que abjure, & le toller des tous Sanctuaries.

place in this Realme thereto limited by 32. H. 8. cap. 15. ~~Take more in Stamf. libr. 2. cap. 10. & take now the Statutes 1. Jac. cap. 25. and 21. Jac. cap. 28. for the repeals of all Statutes concerning abjured persons, and the taking away of all Sanctuaries.~~

3 Abridgement le plaint ou demand.

Abridgement of a plaint or demanda.

A Bridgement de plaint ou demand est lou un port un Assise, brief de dower, briefe de gard, ou tiel semblables, en queux cases p̄ ceo que le briefe de Assise est, de libero tenemento, come en b̄re de dower, le briefe est Rationabilem dotem quæ eam contingit de libero tenemento W. son baron. Et en un briefe de gard, le b̄re est, Custod̄ terrarum & hæredis, &c. sans monstre aucun aut certainie en les briefes; mes en le plaint del assise ou demaunde en le briefe de dower, & en le count en briefe de gard, le plaintife ou demandant monstra le certainie des acres, ou parcells de terre, la si le tenant plede Nontenure, ou Jointenancy, ou aucun aut tiel semblable p̄cea parcell del terre demand en abatement del b̄re, donques le plaintife ou demandant poit abridger son plaint ou demaund al cest parcel, cest adire, il poit omit hors cest pt, & prie que le tenant respond̄ al rest, a que

A Bridgement of a plaint or demand, is where one bringeth an Assise, writ of Dower, writ of Ward, or such like, in which cases for that the writ of Assise is, de libero tenemento, as in a writ of Dower, the writ is Rationabilem dotem quæ eam contingit de libero tenemento W. her husband. And in a writ of ward the writ is, Custod̄ terrarū & hæredis, &c. without shewing any certaintie in these writs: But in the plaint of the Assise, or demand in the writ of dower, and in the Count in the writ of Ward, the Plaintiff or Demandant is to shew the certaintie of the acres, or parcels of land, then if the tenā pleadeth Nontenure, or Jointenancy, or some other such like p̄lee to parcell of the land demanded in abatement of the writ, then the Plaintiff or Demandant may abridge his plaint or demand to that parcell, that is to say, he may leave out that part, and pray that the tenant shall answer the

the test, to which he hath not yet pleaded any thing. The cause is, for that in such writs the certaintie is not set down, but is generally: and notwithstanding the demandant hath abridged his plaint or demand in part, yet the writ remaineth good still for the rest.

il ne ad unc plede asc' chose. Le cause est p' ceo q' en tielx briefes le certaintie n' est mis, mes est generalment: & nient obstant le demandant ad abridge son plaint ou demand en part, uncore le brieve demurre bon pur le residue.

9 Accedas ad Curiam.

Accedas ad Curiam, is a writ directed to the Sheriffe, commanding him to goe to such a Court of some Lord or franchise, where a plaint is sued for taking of beasts as a distresse, or any false judgement is supposed to be made in any suit which hath bene in such a Court, which is not a Court of Record, and that the Sheriffe shall there make record of the said suit in presence of the suitors of the same Court, and of foure other knights of the County, and certifye it into the Kings Court, and at that day that is limited in the writ.

Accedas ad Curiam.

Accedas ad Curiam, est un brieve direct al Vicont, luy commaundant de aler a tiel court dascun Seignour ou franchise, lou un plaint est sue pur prisel del auers come distresse, ou ascun faux judgement est suppose destte fait en ascun suit que fuit en tiel court, quel nest court de record, & que le Vicount la ferra record del dit suit en presence del sutors de mesme le court, & de quatuor autres Chivalers de le Countie, & ceo recorde certifiera al Court le Roy, & a cel jour quel est assigne en le brieve.

10 Accedas ad Vicecomitem.

Accedas ad Vicecomitē, is a writ directed to the Coroner, commanding him to deliver a writ to the Sheriffe, who having a Pone delivered him, suppresseth it. Regist. orig. 83.

Accedas ad Vicecomitem.

Accedas ad Vicecomitem est un brieve direct al Coroner, luy commaundant a deliuer un brieve al Vicont, que aiant un Pone a luy deliuer, ceo suppressē. Register orig. 83.

11 Acceptance.

Aceptance is a taking in good part, and as it were an agreeing unto some act done before, which might have bin undone

Acceptance.

Aceptance est un predrance en bon gree, & cōe un agreement al ascun chose fait deuant, le quel puit auer

The Exposition of

auer este un fait & avoide (si riel acceptance nad estre) per luy ou ceux que issint accepta, sicome p̄ example, si un Euesque deuant statute fait anñ primo Eliz. leste le terre part del possessions d̄ son Evesquery p̄ ans reservant rent & morust, & puis un auf est fait Euesque, le quel accepta, cest adire, prist ou receive le rent quant il est due & doit estre pay, ore p̄ cest acceptance le lease est fait p̄fect & bon, le quel autrement le novel Euesque poit assets bien avoid̄ & faire frustrate.

Semblable ley est, si un home & sa feme seisi de terres en droit del feme joyne & sont lease ou feoffement per fait reservant rent, & le baron morust, el accepta ou receiva l'rent, per cel le feoffement ou lease est fait p̄fect & bon, & serra barre a luy de porter sa brieve appell Cui in vita.

12

Accessories.

Accessories sont en deux sorts, per le Common ley & per le Statute ley: Accessory per le Common ley est auxy en deux sorts, lun avant le fact, le autre puis le fact fait. Accessory devant le fait, est celuy que commanda ou procura autre de faire felony, & nest la present luy mesme quant l'autre le fait, mes sil soit present, donques il est auxy

undone and avoyded (if such acceptance had not bin) by him or them that so accepted, as for example, if a Bishop before the Statute made in the first yeare of Eliz. lease part of the possessions of his Bishoprick for terme of yeares, reserving rent & dyeth, and after another is made Bishop, who accepteth, that is to say, taketh or receiveth the rent when it is due and ought to be payed, now by this acceptance the lease is made perfect and good, which else the new Bishop might very well have avoyded & made frustrate.

The like law is, if a man and his wife seised of land in the right of the wife, joyne and make a lease or feoffement by deed, reserving rent, and the husband dyeth, she accepteth or receiveth the rent, by this the feoffement or lease is made perfect and good, and shall bar her to bring her writ called Cui in vita.

Accessories.

Accessories are in two sorts, by the common law and by the Statute law. Accessory by the Common Law is also of two sorts, the one before the offence, the other after the offence is done. Accessory before the fact, or offence, is he that commandeth or procureth another to doe felony, and is not there present himselfe when the other doth it, but if he be present, then he is

is also principall. Accessorie after the offence, is hee that receiveth, favoureth, aydeth, assisteth, or comforteth any man that hath done any murder, or felony, whereof hee hath knowledge, such an accessorie shall be punished, and shall have judgement of life & member, as well as the principall which did the felony: but such an accessorie shall never bee put to that till the principall bee attaint or convicted, or be outlawed thereupon. In manslaughter a man cannot bee accessorie before the fact, for manslaughter ought to ensue upon a sudden debate or affray, for if it be premeditated, it is murder. Co. li. 4. fo. 44. a.

But a woman in such case shall not be accessory for helping her husband. In great or high treason as wel the commanders as the assistants and receivers after, bee alwayes principalls.

If a man counselleth a woman to murder the childe being in her body, and after the childe is borne, and then is murdered by the woman in the absence of him that so gave the counsell, yet hee is accessory by his counselling before the birth of the infant, & not countermanding it. Dyer fol. 186. pla. 2.

Also one may be accessory to an accessorie, as if one feloniously receive another that is accessorie to felony, there

principal. Accessorie puis le fait est celuy que receiva, favouf, aida, assist, ou comfort ascun home que ad fait ascun murder, ou felonie, dont il ad conusans, tiel accessorie serra punish, & avera judgement de vie & de member, auxy bien come le principall que fist le felonie: Mes tiel accessorie ne serra iammes mis a resposdu a ceo ranque le principal soit convict ou attaint, ou soit utlage deeo. En manslaughter home ne poit estre accessorie deuant le fait, car manslaughter covient ensuer sur sodaine debate ou affray, car si soit premeditate, ceo est murder. Co. lib. 4. fol. 44. a.

Mes un feme en tiel case ne serra accessorie pur le aider de son baron. En grand ou hault Treason cibien les commanders, come les assistants & receivers apres, sont tous foits principalls.

Si home counsel un feme a murder lenfant esteant en sa venter, & apres lenfant est nee, & donque est murder per le feme en le absence de cestuy que issint done le counsell, uncore il est accessory person counselling devant le nestre del enfant, & nient ceo countermandant. Dyer fol. 186. pl. 2.

Auxy un poit estr' accessorie al accessorie, si come un feloniousmt receive un auter q est accessorie al felony, la
le

The Exposition of

le receivor est un accessory.

Accessory per le statute est tiel que abet, counsel, ou receive ascun home que commit ou ad commit ascun offence fait felonie per statute: Car coment que le statute ne fait mention daccessories, abettors, &c. uncore ils sont include per le interpretation des dits statutes. Stamf. ple. Cor. lib. i: cap. 45. 46. 47. 48.

Veies pluis del accessorie in le dit Lieur de les Pleez d'I Corone, le prim lieur, cap. 44. 45. 46. 47. 48. 49. & 50.

13

Action.

Action est le forme de un suit done p le ley de recover chose, come action de Det, & tielx semblable, ou come est Co. 8. f. 151. a. Actio est jus prosequend in judic quod alicui debetur.

Vide Lexicon Juris pur action.

14 Actions personels.

Actions personels sont tiels actions per queux homi claime dette ou auter biens & chateux, ou damag p eux, ou damage p tort fait a son pson, & est pperment ce q en le civil ley est appel actio in personam, que adversus eum intenditur, qui ex contractu vel delicto obligatus est aliquid dare ou concedere.

the receivor is an accessory.

Accessory by the Statute is such a one that abetteth, counsel, or receiveth any man which committeth or hath committed any offence, made felonie by statute: for although the statute doth not make mention of accessories, abettors, &c. yet they are included by the interpretation of the said statutes. Stamf. pl. cor. lib. i. c. 45. 46. 47. 48.

See more of accessory in the said booke of Pleez of the Crowne, the first booke cap. 44. 45. 46. 47. 48. 49. & 50.

Action.

Action is the forme of a suit given by the law to recover a thing, as an action of Debt, and such like; or as it is Co. 8. f. 151. a. An action is a right of prosecuting in judgement of a thing which is due unto any one.

See the Lexicon of the Law for action.

Actions personals.

Actions personals be such actions whereby a man claiemeth debt, or other goods and chattels, or damage for them, or damages for wrong done to his person, and it is properly that which in the civil law is called actio in personam, which is brought against him who is bound by covenant or default to give or grant any thing.

Actions

15 Actions reals.

ACtions reals be such actions whereby the demandant claimeth title to any lands or tenements, rents, or commons, in fee-simple, fee-tail, or for terme of life. Every action real is either possessory, that is to say, of his own possession or seisin, or ancestral. of the seisin or possession of his ancestor. Co.lib. 6. fol. 3.

16 Action popular.

ACtion popular is an action which is given upon the breach of some penall Statute, the which action every man that will, may sue for himselfe and the King, by information or otherwise, as the Statute alloweth, and the case requirerh. And of these actions there bee an infinite number, but one for example: as when any of the Jury that are impanelled and sworne to passe between party and party indifferently, doe take any thing of the one side or other, or of both parties to say their verdicts on that side, then any man that will within the yeare following, the offence made may sue a Writ called Decies tantum, against him or them that so did take to give his verdict, and because that this action is not given to one specially, but generally to any of the people as will sue, it is called an action popular, but in

Actions reals.

ACtions reals sont tiels actions per queux le demandant clame title al ascun fies ou tenements, rent ou commons, in fee-simple, fee-tail, ou p terme de vie. Chescun action real est ou possessory, c'esta scavoir de son possession ou seisin demesne, ou ancestral sc. del seisin ou possession de son ancestor, Co. lib.6. fol.3.

Action popular.

ACtion populer est un action que est done sur le breach dascun penall statute le quel action chescun home que voit poyt suer pur luy mesme & le Roy, per information ou autrement, come le statute allow & le case require. Et de ceux actions il y ad infinite number, mes un pur exemple est: Quant ascun del Jury que sont impanel & jurus de passer perenter party & party indifferement, prist ascun chose de lun part ou l'auter, ou de ambideux parties pur leur verdict dire al ceo part, donques ascun homi que voit deins lan procheine ensuant le offence fait, poit suer un briefe appel Decies tantum enuers luy, ou ceux que issint prist p leur verdict dire, & pur ceo q cest action nest done al un home specialment, mes generalment al ascun de les people del Roy q voit

The Exposition of

voit suer, il appel un action populer, mes en cel cas, quant un avoit cōmence de pursuer eel acc' nul aut' poit c' suer, & en c' cōe sēe cel vary del action populer p le Civil ley.

this case when one hath begun to pursue an action, no other may sue it, and in this as it seemeth, this doth vary from an action popular by the Civill Law.

17 Action mixt.

Action mixt est un suit done per la ley de recover le chose demand, & auxy damages p le tort fait, come en Assise d' Nouel disseisin, quel brieve (si le disseisor fait feoffment al aut') le disseisee aūa vers le disseisor & le tesse ou auter ter-tenant, & en ceo recoversa son seisin del terre & ses damages pur le meane profits, & pur le tort a luy fait. Et issint est un action de Wast & Quare impedit. Mes un action de Detinue nest appel action mixt, comment per ceo de chose detenus est demand, & serra recover si poit estre troue, & damages pur le detain, & si ne poit estre troue, donque damages pur la chose & la detainer.

Mes ceo est appel solemt action personall, que serra port solement pur biens ou chattels, ou charters.

18 Action del brieve.

Action del brieve est un phrase del parlance, use quant un plede ascun matter, per q il monst' que le pl' nad cause daver le bre q il port, & unco' poit estre que il poit aver

Action mixt.

Action mixt is a suit given by the Law to recover the thing demanded, also damages for the wrong done, as in Ass. of No. diss. the which writ (if the disseisor make a feoff. to another) the disseisee shall have against the disseisor and the feoffes or other ter-tenant, and thereby shall recover his seisin of the land & his damages for the meane profits, and for the wrong done unto him. And so is an action of Wast & Quar' imp. But an action of Detinue is not called an action mixt, although by it the thing with-held is demanded, and shall be recovered if it may be found, and damages for the withholding, and if it cannot be found, then damages for the thing and the detaining.

But that is called onely an action personall, because that it should be brought onely for goods & chattels, or charters.

Action of a Writ.

Action of a Writ, is a phrase of a speech used when one pleadeth some matter by which he sheweth the plaintife had no cause to have the writ which he brought, and yet it may be that he may have another

ther w^{rit} o^r action fo^r the same matter: such a p^{lee} is called a p^{lee} to the action of the w^{rit}, whereas if by the p^{lee} it should appeare that the plaintife hath no cause to have an action fo^r the thing demanded, then it shall be called a p^{lee} to the action.

auter brieve ou action p^r mesm le matter, tiel p^{lee} est appel p^{lee} al action del brieve, lou si per la p^{lee} appiert que le plain^t n^{av}eroit ascun cause de aver ascun action pur le chose demand, donques ceo serra dit p^{lee} al action.

19 Action upon the case.

Action upon the case, is a w^{rit} brought against one fo^r an offence done without force, as fo^r not performing promise made by the def. to the plaintife, o^r fo^r speaking of words by which the plaintife is defamed, o^r fo^r other misdemeanour o^r deceit, where the whole case shall be contained in the w^{rit}.

Action upon the statutes.

Action upon the statutes, is a w^{rit} founded upon any statute, whereby an action is giben to one in any case where no action was before: As where one comitteth perjury to the prejudice of another, he which is indamaged shall have a w^{rit} upon the statute and his cause: And the difference betwene an action upon the stat. & action popular is, that where the statute giveth the suit o^r action to the party grieved, o^r otherwise to one person certaine, that is called action upon the statute. But where by the statute authority is giben to every one that will so sue, that is termed action popular.

Action sur le case.

Action sur le case est brief port enuers un pur ascun offence fait sans force, cōe p^r nient performance del promise fait per le defendant al plaintife ou pur parlance des pols pur queux le plaintife est defame, ou pur auter misdemeanour ou deceit, lou tout le case serra contenu en le brieve.

Action sur le statute.

Action sur le statute, est brieve foundue sur ascun estatute, lou per ascun estatute action est done a un en ascun case lou nul tiel action fuit deuant: Come lou un commit perjury al prejudice dun auter, celuy que est damnifie avera brieve sur le statute & son case. Et le difference enter action sur le statut & action populer est, que lou le statute done le suit ou action al party grieve, ou autrement, a un person certaine, ceo est appel action sur le statute: Mes lou per le statute autoritie est done a chescun que voile de .suer, ceo est appel acc^{us} populer,

Accompt.

The Exposition of

Accompt.

ACcompt est un briefe, & gift lou Baylife ou receiuer dascun seignior ou dauter home, que doit render accompt, ne voit render son accompt, donques celuy a que laccompt doit estre render, auera cest briefe. Et per le statute de Westminster 2. capitulo 10. si laccomptant soit trouue en arrerages, les Auditors que sont a luy assignes, ont power de agarder luy a prison, la a demurrer tanque il ad fait gree al pry. Mes si les Auditors ne voylont allower reasonable expence & costage, ou sils chargeront luy oue plusors receipts quant ne duissent, donques son procheine amy que voit suer pur luy, suera un briefe de Ex parte talis hors del Chancerie, direct al Vicont de prender 4. Mainpernors de rendi son corps devant les Baron del Exchequer a certain jour, & d'garner le Seignior dappearer la a mesme le jour.

Accord.

ACcord est un agreement perenter deux al meins pur satisfie un offence que le un ad fait al auter, quant un home ad fait un trespassse, ou tiel semblable al auter, pur le quel il ad agree oue luy de satisfaire & content luy oue recompence, quel si soit execute & performe, donques

Accompt.

ACcompt is a writ, and is lyeth where a Baylife or a receiuer to any Lord or other man, which ought to render accompt, will not give his account, then hee to whom the account ought to be given, shall have this writ. And by the Statute of Westminster. 2. Chap. 10. if the Accomptant be found in arerages, the Auditors which bee assigned to him, have power to award him to prison, there to abide till hee have made agreement to the party. But if the Auditors will not allow reasonable expence & costs, or if they charge him with more receipts than they ought, then his next friend that will sue for him, shall sue a writ of Ex parte talis out of the Chancery directed to the Sheriffe to take foure Mainpernors to bring his body before the Barons of the Exchequer at a certaine day, and to warn the Lord to appeare there at a certaine day.

Accord.

ACcord is an agreement betwene two at the least, to satisfie an offence that the one hath made to the other, when a man hath done a trespassse, or such like unto another, for the which hee hath agreed with him to satisfie and content him with some recompence, which if it be executed and performed,

Termes of the Law.

med, then because that this recompence is a full satisfaction for the offence, it shall be a good barre in the law, if the other after the accord perfozmed, should sue againe any action for the same trespasse.

Note, that the first is properly called an accord, the other a contract.

22 Acquitall.

A Cquitall is where there is a Lord, mesne and tenant, & the tenat holdeth of the mesne certaine landz or tenements in frankalmoigne, frankmarriage, or such like; & the mesne holdeth ober also of the Lord paramōt, or above him. Now ought the mesne to acquite or discharge the tenant of all and every manner of service, that any other should have or demand of him, concerning the same landz or tenements, for that the tenant must doe his service to the mesne onely, and not to divers Lords for one tenement or parcell of land. The same law is where there is one Lord mesne, and tenant as afoze-said, and the mesne granteth to the tenant (upon the tenure made betwene them) to acquit and discharge him of all rents, services, and such like: This discharge is called acquitall.

Like law is if the tenant holdeth of his mesne by like services, as the mesne holdeth ober of the Lord, & the tenant doth or payeth his services

pur ceo que cest recompence est un pleine satisfaction pur le offence, serra un bon barē en le ley, si l'auter apres l'accord performe, voit luer arere un action pur mesme le trespasse.

Nota que le primer est, properlyment appelle un Accord, le aut est un contract.

Acquitall.

A Cquitall est quant la est Seignior, mesne, & tenant, & le tenant tient de le mesne certaine terres ou tenements in frankalmoign, frankmarriage, ou tielx semblables, & le mesne tient ouster auxy & Seignior paramont, ou desuis luy. Ore doit le mesne acquit ou discharge le tenant de tout & chescun maner de service que ascun auter voit auer ou demand de luy concernant mesmes les terres ou tenements, pur ceo que le tenant doit faire le service a le mesne tantsement, & nemy al divers Seigniours p un tenement ou parcel del terre. Mesme le ley est ou il est Seign mesne, & f cōe avant-dit, & le mesne granta al tñt (sur le tenur fait p eē eux) p acquit & discharg' luy de tous réts, services, & tiels semblables: cē discharge ē apel acquitall.

Mesme le ley est, si tenant tient de son mesne per autiels services, come le mesne tient ouster del Seignior, & le tenaunt fait ou paya services

The Exposition of

services al mesne, mes le mesne ne fesoit ses services al Seignieur paramount, p que il distraine les beaſts del tenant : en cel case le mesne p le oueltie del services doit acquit le tenant del services due al ſſr. Auxy la est acquital en ley, & acquital en fait : acquital en ley est, ou deux ſut appeal' ou endict de felonie, lū com principall, laut eoe accessorie, le principal esteant discharge, laccessorie p consequent est auxy acquite: Et en cest case sicome laccessorie est acquite p le ley, issint est le principal en fait. Staf. pl. cor. fol. 268.

to the mesne, but the mesne doth not his services to the chiefe Lord, wherefore he distraineth the beaſts of the tenant: In this case the mesne for the equaimesse of the services ought to acquite the tenant of the services due unto the Lord. Also there is acquital in law, and acquital in fact: acquital in law is when two are appealed or indicted of felony, the one as principall, the other as accessorie, the principal being discharged, the accessory by consequence is also acquitted, & in this case as the accessory is acquitted by the law, so is the principall in fact, Stamf. pl. cor. f. 168.

Acre.

Acre.

ACre est un certaine parcel de terre que containe en longueur 40 perches, & en latitude quater perches, ou a cest quantitie soit le loeure plus ou meines. Et si un hom voile erect un novel cottage, il devoit a mitter quater acres de terre a ceo, solonque cest mesure 31. Eliz. cap. 7. Et oue cest mesure agree Monsieur Crompton en son Jurisdiction de Courts, fo. 222. Uncore il dir que solonque les divers customes de seual pais, le perch differt, esteat en ascus lieux. (& plus usualment) forsque dixsize pees & demi: Mes en le countie de Stafford le perch est vint quat pees come fuit cy deuat adjudge e le excheqr.

ACre is a certaine parcell of land that containeth in length forty perches, and in breadth foure perches, or of this quantitey bee the length more or lesse. And if a man will erect a new cottage, hee ought to lay foure acres of land unto it, according to this measure 31. Eliz. cap. 7. And with this measure agreeth Master Crompton, in his Jurisdiction of Courts, fol. 222. Yet hee saith that according to divers customes of severall Countries, the perch differeth, being in some places (as most usually) but sixteen foot and a halfe: But in the countie of Stafford the perch is 24 foot, as was heretofore adjudged in the Exchequer, in the Statute

statute made anⁿ 24. H.8. 14.
for the sowⁱng of flax, 160.
perches make an acre. The or-
dinance of measuring of land
made an. 34. E. 1. Stat. 1. agreeth
with this account.

En le estat fait anⁿ 24. H.8.
c.4. p^r embleem^t de flax 160.
perches font un acre : lordi-
nance d'admeasurement de
fre fait an. 34. E. 1. Stat. 1.
agree ou cest account.

33 *y* Acquittance.

Acquittance.

A Cquitance, is a discharge
in w^riting of a summe of
money, or other duty which
ought to be payed or done. As
if one be bound to pay money
upon Obligation, or rent re-
serve^d upon a lease, or such
like; and the party to whom
the money or duty should be
paid or done, upon the receipt
thereof, or upon other agree-
ment betwene them had, mak-
eth a w^riting or bill of his
hand in discharge thereof, wit-
nessing that he is paid, or other-
wise contented, and therefore
doth acquit and discharge him
of the same, which acquittance
is such a discharge and bar in
the law, that he cannot demaⁿd
and recover the sum or duty a-
gaine, contrary thereunto, if
he shew the acquittance.

This word differeth from
those which in the Civill
law be called Acceptatio, or
Apocha, because Acceptatio
may be by word without w^rit-
ting, & is nothing but a fained
payment & discharge, though
no payment be had. And Apo-
cha is a w^riting witnessing
the payment or deliver^y of
money, which discharge^th not
unless the money be payd.

A Cquitance, est un dis-
charge en escript dun
summe de money, ou auter
dutie, quel doit estre pay ou
fait : sicome un soit oblige
de payer money sur un ob-
ligation, ou rent reserve sur
un lease, ou tiel semblable, &
le partie a que le money ou
dutie doit estre pay, ou fait sur
le receipt de ceo, ou sur auter
agreement perenter eux ewe,
fait escript ou bill de son
mayne en discharge de ceo ;
testmoygnant que il est pay,
ou autrement content, & pur
ceo acquite & discharge luy
de ceo, le quel acquittance est
tiel discharge & barre en la
Ley, que il ne poit demand
& reco^u m^l le sum ou duty
aut-foits, cōtr' a ceo, sil poit
monstre le acquittance.

Cest parol differt ab
hoc quod in Jure Civili
Acceptatio dicitur, quia
illud fieri potest verbo sine
scripto, & nihil aliud est
quam ficta solutio & libera-
tio, licet solutio non sit : nec
Apocha dici potest, quæ cau-
tio est solutæ datæ v^e pecu-
niæ, quæ non liberat nisi pec-
unia soluta sit.

The Exposition of

24

Acts.

ACts de Parliament sont leyes positive que consist d deux parts, cē adire, de les parolx del act, & del sensē de ceo, & ils ambideux joynt ensemble font la ley.

25

Additions.

ADditions, est ceo que est done al home ouster son proper nosme & sirnosme, cē adire, p monstrier, de quel estate, degree, ou mystery il est, & de que ville, hamlet ou county.

Additions de estate sont ceux, yeoman, gentleman, Esquire, & tiels semblables.

Additions de degree sont ceux que nous appellomous nosmes de dignity, cōc Chivaler, Count, Marqs, & Dux.

Additions de mystery sont ceux, scrivenr, painr, mason, carpentr, taylor, smith, & issint tous aus de seblable natur: car mystery ē le craft ou occupation p que home gaine son living.

Additions de villes, come Sale, Dale, & tiels auters, & issint de les auters.

Et lou un home ad household en deux lieux, il serra dit demurrer en ambideux, issint que son addie en un de eux suffist.

Fuit ordeine per lestatute Anno 1. Henrici 5. cap. 5. que en suites ou actions, ou proces dutlagary gift, tiels additions serra al posme

Acts.

ACts of Parliament are positive Lawes which consist of two parts, that is to say, of the wordes of the Act, & of the sense thereof, & they both joynted together make the Law.

Additions.

ADditions, is that which is giben unto a man over and besides his proper name and surname, that is to say, to shew of what estate, degree, or mystery he is, & of what towne, hamlet, or county.

Additions of estate are these, yeoman, gentleman, Esquire, and such like.

Additions of degrees are these that we call names of dignity, as Knight, Carle, Marques, and Duke.

Additions of mystery are these, scribener, painter, mason, carpenter, taylor, smith, and so all other of like nature: for mystery is the craft or occupation whereby a man getteth his living.

Additions of Towne, as Sale, Dale, and such others, and so of the rest.

And where a man hath household in two places, hee shall be said to dwell in both of them, so that his addition in one of them doth suffice.

By the Statute in the first yeare of H. the 5. and chapter the 5. it was ordained that in suits or in actions where process of utlagary lyeth, such additions

additions should bee to the name of the def. to shew his estate, myserie, & place where he dwelleth, & that such wytes shall abate, if they have not such additions, if the defendant take exception thereto, but they shall not abate by the office of the Court.

Also Duke, Marquesse, Earle, or Knight. be none of these additions, but names of dignitie, which should have bene given before the Statute.

And this was ordained by the said Statute made in the first yere of King H. the 5. cap. 5. to the intent, that one man might not be grieved nor troubled by the usurie of another: But that by reason of the certain additiō, every man might be certainly knowne, and beare his owne burthen.

28 Adjournement.

Adjournement, is when any Court is dissolved and determined, and assigned to be kept againe at another place or time, & me thinketh is compounded of two words (ad) or (al) and jour.

29 Admeasurement of Dower.

Admeasurement of Dower is a wyte, & it lyeth where a woman is endowd by an infant, or by gardein of more than she ought to have, the heire in such case shall have this wyte, by the which the

del def. a declarer son estate, myserie, & lieu ou il enhabite, & que tiels briefes abateront, ils ne ount tiels additions, si le defendant prist exception a ceo, mes ils ne abateront per office del Court.

Auxy Duke, Marquesse, Counte, ou Chivaler ne sont pas ne ceux additions, mes nosmes de dignity, queux duissent aver estre done devant le Statute.

Et ceo fuit ordeigne per le dit statute fait en le prim an de Roy H. le 5. cap. 5. al intent que un hōe ne serroit greeve ne trouble per le uslagarie de un auter: Mes que p reason de le certaine addition, chescun home poit estre certainement conus, & portef sa burden demesne.

Adjournement.

Adjournement est quant aucun Court est dissolve & determin, & assign destre garde arrere al auter lieu ou temps, & moy semble est cōpound de deux parols (at) ou (al) jour.

Admeasurement de Dower.

Admeasurement d Dower est un brieve, & gift lou un feme est endow per un infant, ou per un gardein de plus que devoit aver, le heire en uel case avera cest brieve, per quel le fem

The Exposition of

ferra admeasur, & le heire restore a le surplusage. Mes si un abate, cest adire, un que nad droit enter apres le mort le baron, & endow la feme de cestuy que est mort, de plus que doit auer, le heire nauera cest briefe, mes Assise de Mordancester vers la feme, & si el plede que el fuit endowe de ceo terre come del franktenement sa baron, le heire monstre comment el fuit endow per le abator, & que el ad plus que devoit auer, & priera que il soit restor al surplusage, & si soit troue, il serra restore.

woman shall be admeasured, and the heire restored to the overplus. But if one abate, that is to say, one which hath no right enttech after the death of the husband, and indow the wife of him that is dead, of more then shee ought to have, the heire shall not have this writ, but Assise of Mordancester against the woman, & if she plead that shee was endowd of the land as of the freehold of her husband, the heire shall shew how shee was endowd by the abator, and that she had more then shee ought to have, & shall pay that he may be restored to the surplusage, and if it be found, he shall be restored.

29 Admeasurement de pasture.

Admeasurement of pasture.

Admeasurement de pasture est un briefe, & gift lou plusors tenants ont common appendant en auter terre, & un surcharge le common oue plusors avers: Donques lauters commoners poient auer cest briefe vers luy, & auxy poit estre port per un common solement: mes donques covient estre port vers tous lauters commoners, & vers cesty que surcharge, pur ceo que tous le commoners seront admeasures.

Et ceo bre ne gift vers luy, ne p luy que ad common appartenant, ou common in grosse, mes ceux que ont common appendant ou com-

Admeasurement of pasture, is a writ, & it lyeth where many tenants have common appendant in another ground, and one overchargeth the common with many beasts: Then the other commoners may have this writ against him, and also it may be brought by one commoner onely: but then it behooveth to be brought against all the other commoners, and against him that surcharged, for that all the commoners shall be admeasured.

And this writ lyeth not against him, nor for him that hath common appartenant, or common in grosse, but them which have common appendant,

sent, or common because of vicinage.

See the diversity of all these commons afterwards in the title of Common.

Also this writ lyeth not for the Lord, nor against the Lord, but the Lord may distrain the beasts of the tenant that bes surplussage. But if the Lord overcharge the Common, the Commoner hath no remedy by the Common Law, but an Assise of his Common.

Administrator.

Administrator, is he to whom the Ordinary committeth the administration of goods of a dead man for default of an Executor, & an action shall lye against him, & for him, as for an Executor, & he shall be charged to the value of the goods of the dead man & no further, if it be not by his owne false plea, or for that that hee hath wasted the goods of the dead. But if the Administrator die, his Executors bee not Administrators, but it becometh the Ordinary to commit a new administration. But if a stranger that is not Administrator nor Executor, take the goods of the dead, and administer of his owne wrong, he shall be charged and sued as an Executor, and not as Administrator in any action that is brought against him by any creditor. But if the Ordinary make a letter ad Colligendum boni defuncti, he that hath such a let-

mon per cause de vicinage.

Vide le diversity de tous ceux commons apres en le title de Common.

Auxy cest brief ne gist pur le Seignior, ne vers le Seignior, mes le Seignior poit distraine les auers le tenant que sont surplussage. Mes si le Seignior surcharge le common, les commoners nont remedie per le common ley, mes un Assise de son common.

Administrator.

Administrator, est celuy a que le Ordinarie commit le administration des biens le mort pur default de executor, & pur luy come p executor, & serra charge iusques al value des biens le mort & nient ouster, sil ne soit per son faux plea, ou pur ceo que il ad wast les biens le mort. Mes si le administrator devie, ses executors ne sont administrators, mes covient al Ordinarie de committer novel administration. Mes si un estrange que nest administrator ne executor, prist les biens le mort, & administer de son tort demesne, il serra charge & sue come executor, & nemy come administrator en aucun action que est port vers luy per aucun creditor. Mes si le Ordinarie fait un brieve ad Colligendum bona defuncti, celuy que ad tiel

The Exposition of

letē nest administrator, mes
laſtion giſt vers le Ordinarie
auxy bien come ſil priſt le bi-
ens en ſon main demefne, ou
per le maine de aſcun de ſes
ſervants per aſcun auter com-
mandement.

ter is not Adminiſtrator, but
the action lyeth againſt the
Ordinarie as well as it hee
take the goods in his owne
hand, or by the hand of any
of his ſervants by any other
commandement.

31 Admirall.

Admirall eſt un Officer
ſouth le Roy, que ad au-
thority ſur le mere tantum, p
veyer le Navy repaire &
maintaine, p ſuppreſſer &
chaſer de hors eſtimures de
mere, & de faire droit d cō-
tracts perenē party & party
concernant choſe fait ſur &
ouſter le mere, & p ceſt pur-
poſe il ad ſon court appel le
admiralty. Il poit cauſer
ſon citation deſtre ſerve ſur
le teſ, & pnder le corps
del ptie ou biens en execu-
ſur terre.

Admirall.

Admirall is an Officer un-
der the King, that hath
authority upon the ſea onely,
to ſee the Navy prepared and
maintained, to ſuppreſſe and
chaſe away robbers and ro-
bers, and to judge of contracts
betweene party & party con-
cerning things done upon and
beyond the ſeas, and for that
hee hath his Court called the
Admiralty. Hee may cauſe
his citation to be ſerved upon
the land, and take the parties
body or goods in execution
upon the land.

Item il ad cogniſance del
mort ou maihem de un hom
fait en aſcun grand nieſe
fleetant en grand ryvers en
le Realme, de baſe les ponts
de eux prochein all mere.

And alſo he hath cogniſance
of the death or maihem of a
man, committed in any great
ſhip, fleetting in great rivers in
the Realme, beneath the bryd-
ges of the ſame next the Sea.

Auxy pur arreſt neifes en
les grand ſtreames pur les
voyages del Roy & Realme,
& ad juridiſtion en les dits
ſtreames, durant meſmes
voyages.

Alſo to arreſt ſhips in the
great ſtreames, for the voya-
ges of the R. and Realme, &
hath juridiſtion in the ſaid
ſtreames during the ſame
voyages.

32 Ad quod dampnum.

Ad quod dampnum eſt
un brieſe que doit eſtre
ſue devant le Roy grāt cer-
taine liberties: Come Faire,
Market, ou tielx ſemblables,

Ad quod dampnum.

Ad quod dampnum is a
writ which ought to be
ſued beſore the King grāt
certaine liberties: as a Fayze,
Market, or ſuch like, which
may

may be prejudiciall to others. And thereby it shall be inquired if it should be a prejudice to grant them, and to whom it shall be prejudiciall, & what prejudice shall come thereby.

queux poient estre prejudiciall al auters. Et per ceo serra inquire si serroit prejudice a granter eux, & a que serra prejudiciall, & que prejudice ent aviendra.

Advent.

ADvent is a time which containeth about a Moneth next before the feast of the Nativity of our Saviour Christ. In which it seemeth that our Ancestors have reposed some reverence for the nearness of that solemn feast, so that all suits in Law were then remitted for a season: wherefore there was a statute ordained, West. 1. cap. 48. that, notwithstanding the said solemnity, it might be lawfull in respect of Justice & Charity, to take assises of Novel disseisin, and Darreine presentment in the times of Advent, Septuagesima, and Lent. This is one of the times from the beginning of which, untill the Octaves of Epiphany, the solemnizing of marriages are prohibited to be solemnized without speciall licence according to the verses:

*Conjugium Adventus prohibet,
Hilarique relaxat;
Septuagena vetat, sed Pasche
Octava reducit;
Rogatio vetitat, concedit
Brina potestas.*

Advent all Marriage forbids,
Hilaries feast to Nuptials tend;

Advent.

ADvent est un temps q̄ cōtain enviro un moys pchein devant le feast del nestre de nre Savior Christ. En q̄ il seblable, q̄ nre ancestors ont repose al^e reverēce pur le p̄pinq̄uity de cel solempne feast; issint q̄ tous suits en ley fue^r donques remit pur un season. Pur quoy la suit un Statute ordeine, West. 1. cap. 48. que nient obstant le dit solempnity, puit estre loyall, en respect de Justice & Charity a prendre assises de Novel disseisin, & Darrein presentment en le temps daduent, septuagesima, & quadragesima. Cest un d̄s temps de le cōmence^{nt} de q̄l usque a les octaves de Lepiphany, l'solemnizing de espousels sont phibit estre solempne sauns especial licence accordant a les verses:

And

The Exposition of

And Septuagint no Wedding rids,
Yet Easters octaves that amends.
Rogation hinders hasty Loves,
But Trinity that Let removes.

33

Advowson.

ADvowson est lou un home & ses heires ont droit de presenter leur Clerke al Ordinary al un parsonage, ou auſ esperituall bñſice qñt il devient void. Et celuy q̄ ad ſiel dñt de pñſentes eſt appell patron.

Affeerors.

AFfeerors ſont tiels que ſont deſigne en Court leets &c. a mulſter tiels que ont commit aſcun peche que eſt arbitramēt puniſhable, & pur quel nul expreſſe penaltie eſt preſcribe p ſtat. Poies veier le forme de leur ſeremēt en Kirch. fol. 46. Si les Jurors in un leet recevōt les articles, & eſteant command a reſponder al eux & preſent & ils reſuſe iſſint a faire, dō que ils ſerront amerſcie, uncore lamerſciament de cheſcū Juror ſerra aſſeere ſelonque a ſon offence. Iſſint en aſſiſe de Novel diſſeiſin, tous les diſſeiſors ſerront amerſcie, & cheſcun ſerra aſſeera p luy. Mes ſi un ville ſoit amerſcie, la laſſerance ſerra generall, car la neſt aſcū certaine pſon noſm come en les caſes p avanſedit. Et ſi un Jury en un leet taxe un amerſciament, ceo ſuffiſt ſans aſcun

Advowſon.

ADvowſon is where a man and his heires have right to preſent their Clarke to the Ordinary to a Parſonage, or their ſpirituall benefices when it becommeth voyde. And he which hath ſuch right to preſent is called Patron.

Affeerors.

AFfeerors are ſuch as be appointed in Court leets, &c. to mulſt ſuch as have comitted any fault which is arbitrarily puniſhable, & for which no expreſſe penalty is preſcribed by Statute. You may ſee the forme of their oath in Kitchin, fol. 46. If the Jurors in the leet receive the articles, and being commanded to answer to them and present, and they refuse so to doe, then they shall be amerced, yet the amerſciament of every Juror shall be aſſeered according to his offence. So in aſſiſe of Novel diſſeiſin, all the diſſeiſors shall be amerced, & every one shall bee aſſeered by himſelfe. But if a towne be amerced, there the aſſerance shall be generall, for there is not any certain perſon named as in the caſes aforeſaid. And if a Jury in a leet tax an amerſciament, this ſufficieth without any aſſerement,

feerement, for the amercement
is the act of the Court, & the
affeerment the act of the Ju-
ry. Co.lib.8.fol.39.40. b.

affeerment, car lameriamēt
est laet del Court, & l'asseere-
ment laet del Jurie. Co.lib.8.
f.39.40. b.

Affiance.

Affiance is the plighting of
troth betwixt a man and
a woman upon an agreement
of a Marriage to be had be-
twene them; and Affidare,
from whence this word is de-
rived, is as much as fidem ad
alium dare. And this word
Affiance is used by M. Little-
ton, in his chapter of Dower,
sect.39.

Affiance.

Affiance est le plighting del
foy enter home & feme
sur un agreement dū mari-
age destre solemnize enē
eux; & affidare, de q̄l cest
parol ē derive, est tant adire
come fidem ad alium dare.
Et cest parol Affiance est use
per Monsieur Littleton, en
son chapter de Dower, sect.
39.

Affray.

Affray comes of the French
word (effrayer) which
signifies to affright or scare,
and so an affray may be with-
out word or blow given, and
so this word is used in the
Statute of North, 2. E. 3. cap.
3. But it is in our books ma-
ny times confounded with the
word assault, as it appears
by M. Lambert in his Eire-
narchie Lib. 1. cap. 7. But
yet as it is there said, they dif-
fer in this. that an assault is
not but a wrong to the party,
but an Affray is a wrong to
the common-wealth: & there-
fore an Affray is inquirable &
punishable in a Leet. Also an
assault is made most-what
but on one side: But an affray
is the fighting of many toge-
ther.

Affray.

Affray venust del parol
francois (effraier) q̄ signify
terrere sive horrificare, &
issint un affray poit estre sans
paroll ou buffe done, & issint
& parol est use en lestat de
North, 2. E. 3. cap. 3. Mes en
nre liures ē parol est plus
soits confound oue le paroll
Assault, cōe appiirt per Mon-
sieur Lambert en son Eire-
narchie, lib. 1. cap. 17. Mes
uncore cōe est la dit, ils diffe-
ront en ceo, q̄ un Assault nest
forsque un tort al party, mes
un affray est un tort al bien
pulique: & pur ceo un affray
est inquirable & punishable
en un Leet. Auxy un Assault
est fait plus tost forsque sur
lun part: Mes un affray est
le combatre de plusors en-
semble.

Age

A Ge prier, est quant action est port vers enfant de fre que il ad p discent, la il mra le matter al court, & prayera que le acc' demur rāque a son pleine age de xxi. ans, & issint p agarde de Court le suit surcessera.

Mes en brieft de dower & en Assise, & auxy en tiels actions lou le infant est suppose a vener al terre en demand de son tort demesne il navera sa age.

Auxy nota que sont plusieurs diversities de ages, car le Seignieur avera ayde de son tenant en Socage pur marrier la file, quant la file le Seignior est del age de sept ans. Et auxy aide pur faire son firs & heire chivalier, quant il est del age de sept ans.

Auxy feme que est espouse al age de ix. ans, si sa baron morust seisi avera Dower, & nemy devant ix. ans.

Auxy 14. ans est le age de feme que ne serf en gard, si el fuit de tiel age al temps del mort son Ancestor, mes si el fuit deins age de 14. ans & en gard son Seignior, donques el ferra en gard tanque al age de 16. ans. Et auxy 21. ans est le age de heire male destre en gard, & apres ceo hors de gard.

A Ge prier is when the action is brought against an infant, of lands which he hath by discent, there he shall shew the matter to the Court, and shall pray that the action may stay till his full age of 21. yeares, and so by a ward of the court the suit shal surcease.

But in a Writ of Dower and in Assise, and also in such actions where the infant is supposed to come to the land demanded by his own wrong he shall not have his age.

And note well that there be many diversities of ages, for the Lord shall have aid of his Tenant in Socage for to marry his daughter, when the daughter of the Lord is of the age of vii. yeares. And also Aid for to make his son and heir a knight, when he is of the age of vii. yeares.

Also a woman which is married at the age of ix. yeares, if her husband dye seised shall have Dower, and not before nine yeares.

Also 14. yeares is the age of a woman that she shall not be in ward, if she were of such age at the time of the death of her Ancestor, but if she were within the age of 14. yeares and in ward of the Lord, then she shal be in ward till the age of 16. yeares, and also 21. yeares is the age of the heir male to be in ward, and after that out of ward.

Also

Also it is the age of male and female to sue & to be sued of lands which they have or claim by descent, and to make all manner of contracts & bargain, not before: but if such an infant within the age of 21. yeares give his goods, and the Donor take them, the infant may have an action of trespassse, but otherwise it is if he deliver them himselfe. Vide Coke, lib. 3. fol. 13. a. li. 6. fol. 3.

Et auxy il ē le age de male & female de suer & destre sue des terres, que ils ont ou claime per descent & de faire tous maners d'contracts & bargain, & nient devant mes si riel enfant deins age de 21. ans done ses biens, & le donee eux prist, le enfant poit aver un action de trespassse, mes autrement il est fil deliver. eux. Vide Coke l. 3. fol. 13. a. lib. 6. fol. 3.

24

Agist.

A Gist seemes to come of the French (Giser jacere) or of Gister, (i. Stabulari) a word proper to Deares, and therefore Bud. li. poster. Philologie says that Giste idem est quod Lustrum vel cubile. And Agist in our common Law signifies to take in and feed the cattell of a stranger in the Kings forests, and therefore those officers in the forest that thus take in cattell, and gather the money for the feed of them are called Agistors, and the feed or herbage of the cattell is called Agistment, which in a large signification extends to all manner of common of herbage of any kinde of ground, or land, or woods, or the money that is due or received for the same as well out of forests as within them. See in Manwoods forest Lawes, cap. 11. fol. 80.

25

Agreement.

A Greement, is after this sort defined or expounded

Agist.

A Gist semble de venir del francois giser (i. jacere) ou del gister (i. Stabulari) un parol proper as dames, & p ceo Budzus lib. poster. philologie dit q Gist idē est quod Lustrum vel Cubile, & Agisten nre cōmō ley signifie de prender eins & de pasture les avers dū estranger deins les forests le Roy, & p ceo les officers en le forest q en riel maner prent eins avers, & collect les deniers p le pasturage d'eux sont appelle Agistors, & le pasturage & Herbage des avers est appell Agistment, q en un large signification extend as tous maners del cōmon del herbage d'aucū kind de terre, ou Bois, ou les deniers que sont due & receive pur ceo cibien hors des forests cōe deins eux. Vide en Manw. Forest leys cap. 11. fol. 80.

Agreement.

A Greement, est en cē maner define ou expounde

The Exposition of

en Master Plowdens Commentaries: Aggreamentum est un parol compoude de deux parolx, cestascavoir, de Aggregatio & Mentium, cest adire agreement de ments, issint que Aggrementum est Aggregatio mentium in re aliqua facta vel facienda, & per le contraction de les deux parolx, Aggregatio & Mentium, & per le corrupte & brieve parlance de eux, ils sont fait un pol, cestasc', Aggreamentu, le quel nest auter chose que un union, collecte copulation, & conjunction de deux ou plusour ments in ascu chose fait ou destre fait. (Veies apres en Testament.) Et ce agreement est en 3. maners.

Le primer est un agreemēt execut. en fait al commencement.

Le 2. est un agreemēt puis un act fait per auter, & est un agreement executed auxy.

Le tierce est un agreement executoire, ou destre fait en temps uncore a veñi.

Le prim, q̄ est un agreemēt executed en fait al comencement, est riel de que mention est fait en le statute de 25. Ed. 3. ca. 3. de pannis en le quart Statute, que dit, que les biens & choses achates per fore-stallers, q̄ de ceo seront attaints, soient forseits al Roy, si le achator en n'ust fait gree al vendor. En ql case, cest pol (Gree) q̄ est autermt appel agreement, serra entonde agreemēt execute, viz.

in Master Plowdens Commentaries: Aggreamentum is a word compounded of two words, namely, of Aggregatio & Mentium, that is to say, Agreement of mindes, so that agreement is a consent of mindes in some things done, or to be done, and by drawing together of the two words, Aggregatio and Mentium, and by the hasty and short pronouncing of thē they be made one word, to wit, Aggreamentum, which is no other thing than a joining, putting, compiling and knitting together of two or more mindes in any thing done or to be done: (see after in Testament.) And this agreemēt is in thre maners.

The first is an agreement executed already at the beginning.

The second is an agreement after an act done by another, & is an agreement executed also.

The third is an agreement executoy, or to be done in time yet to come.

The first, which is an agreement executed already at the beginning, is such, whereof mention is made in the statute of 25. Ed. 3. cap. 3. of clothes in the fourth Statute, which saith, that the goods & things bought by fore-stallers, being thereof attainted, shall be forfeit to the King, if the buyer thereof have made gree with the seller. In which case the word (gree) which is otherwise called agreemēt executed, that

that is paymēt for the things.

The second manner of agreement is where one doth a thing or act, & another agrees or assents therunto afterwards, as if one doe a disseisin to my use, and afterwards I agree to it, now I shall be a disseisor from the beginning, & such agreement is an agreement after an act done.

The third agreement is where both parties at one time are agreed that such a thing shall be done in time to come, and this agreement is executory, in as much as the thing shall be done after, and yet there their mindes agreed at one time. But because the performance shall be afterwards, and the thing upon which the agreement was made, remaines to be done, that agreement shall be said executory. And that the Stat. of 26. H. 8. cap. 3. doth prove, where it saith, that every Vicar, Parson, & such like, &c. before their actual possession or medling with the profits of their Benefices, shall satisfy, content, &c. or agree to pay to the R. the first fruits, &c. & if any such Parson or Vicar, &c. enter in actual possession, &c. this Agreement is to be understood executory, as the common use proveth, for it is used that he with one or two with him, do make two or three Obligations for it to be paid at certain dayes after, & this Agreement executory is divided into two points, One is an a-

paiment p̄ les choses.

Le second manner de agreement est lou un fait un chose ou act, & un autre agree ou assent a ceo apres, come si un fait disseisin a mon use, & apres ieo agree a ceo, ore ieo serra disseisor ab initio, & tiel agreement est un agreement p̄ un act fait.

Le tierce agreement est q̄ sit ambideux parties a un temps sont accords que tiel chose serra fait en temps a vener, & ceo agreement est executory, entant que le chose serra fait apres, & uncore la lour ments accord a un temps. Mes entant que le performance serra aps, & isint le chose sur q̄ lagreement fuit fait, remaine a faire, ceo agreement serra dit executory. Et ceo le Stat. 26. H. 8. c. 3. prove, ou il dit, q̄ chescun Vicar, Parson, & autiels, &c. devant lour actual possession ou medling oue les profits d' lour Benefice satisfiera, contenta, &c. ou agreera a payer al use le Roy les primer fruits, &c. Et si aucun tiel Parson, Vicar, &c. enḡ en actual possession, &c. ceo agreement est destre entend executory, come le common usage p̄ue: car est use, que il oue un ou deux oue luy, fair' deux vel trois Obligations, p̄ ceo destre pay en certaine jours apres, & cest agreement executory est divide en deux poynts: Vn est agreement

The Exposition of

agreement executorie que est certain al commencement, come est dit darrein devant del prim fruits.

L'auter est, lou le certain-
tie ne appiert al primes, &
les parties sont accords que
le chose serra performe, ou
pay sur le certaintie conus,
come si un vend al auter tout
son wheat en tiel tasse en son
Barne nient thresh, & il est
agreé par eulx, que il pay-
era p̄ chescun bushell 12. d.
quant il est thresh cleane, &
measured.

Agent & Patient.

A Gent & Patient est quant
un home est le Feasor
dun chose, & le partie a que
il est fait, come ou feme en-
dow luy mesme de la pluis
beale part del Possession de
sa baron. Issint si home ad
dix liuers issint hors de cer-
taine terre, & il disseise le
Tenant del terre en assise
port per le Disseisee, le Dis-
seisor recoupera le Rent en
le damages, issint que ou
le mesme p̄s del terre en
tiel case fuerent al value de
dix trois liuers, le disseisee
recoupera forsque trois liuers.
Auxy si home soynt endette a
un auter, & puis il fait le
p̄tie a que il est issint endet-
te, son Executor, & morust,
le Executor poyt reteigne
tant des biens del mort en
ses maines, cōe son dette de-
mesme amountera, & per ceo
deteriner il est le Agent & le

agreement executory, which is
certaine at the beginning, as
is said last before of the first
fruits.

The other is, when the cer-
tainty both not appears at the
first, & the parties are agreed
that the thing shall be perfor-
med or paid upon the certain-
ty knowne, as if one sell to a-
nother all his wheat in such a
tasse of his barne unthreshed,
and it's agreed between them,
that hee shall pay for every
bushell 12. d. when it is thresh-
ed cleane, and measured.

Agent & Patient.

A Gent & Patient is when a
man is the doer of a thing,
and the party to whom it is
done, as where a woman en-
doweth her selfe of the fairest
possession of her husband. So
if a man hath ten pounds issin-
g out of certaine land, and
he disseiseth the Tenant of the
land in an Assise brought by
the Disseisor, the Disseisor shall
recoupe the Rent in the dam-
ages, so that where the
meane profits of the land in
such case were to the value of
thirteene pounds, the Disseisor
shal recover but thre pounds.
Also if a man bee indebted to
another, and afterward he ma-
keth the party to whom he is
so indebted, his Executor and
dyeth, the Executor may re-
taine so much of the Goods of
the Dead in his hands, as his
owne debt amounteth unto, &
by this retainer hee is the A-
gent

gent & the Patient, that is to say, the party to whom the debt is due, and the party that payeth the same. But a man shall not be judge in his own case, as is resolved, Co. lib. 8. fol. 118. in Doctor Bonhams Case, That the Censors cannot be Judges, Ministers, & Parties; Judges to give sentence or judgment, Ministers to make Summons, & Parties to have the halfe of the forfeiture. And although that an Act of Parliament yieldeth to any one, to hold or to have consfance of all manner of Pleas, arising befoze him within his manor of D. yet he shall hold no plea to which he himselfe is party, *Quia iniquum est aliquem sui rei esse Judicem.*

Ayde.

AYde, is when a tenant for terme of life, tenant in dower, tenant by courtesie, or tenant in taile after possibility of issue extinct, is impleaded, then for that they have no estate but for terme of life, they shall pray in ayde of him in the reversion, and processe shall bee made by writ against him to come and plead with the tenant in the defence of the land if he will: but it behoveth that they agree in the plea, for if they vary, the plea of the tenant shall bee taken, and then the ayd prayer is voyd: but if he come not at the second writ, then the tenant shall answer sole.

Also tenant for terme of yeares, tenant at will, tenant by Elegit, & tenant by Statute Merchant, shall have ayd of him in

Patient, cestascavoir, le partie a que le dette est due, & le party que ceo paya. Mes home ne serra judge en son cause demesne, come est resolve, Coke lib. 8. fol. 118. en Doctour Bonhams Case, Que les censors ne poyent estre Judges, Ministers, & Parties; Judges a doner sentence ou judgement, Ministers a faire summons, & parties de aver le moity del forfeiture. Et coment que Act de Parliament done a ascun a tener ou de aver conufans de tous manners des pleas devant luy furdant deins son manor de D. uncore il tenera nul plea a que il m est party, *Quia iniquum est aliquem sui rei esse judicem.*

Aide.

AIdé, est quant tenant a terme d vie, tenant en dower, tenant per le courtesie, ou ténit en taile apres possibilitie dislue extinct est emplede, donques pur ceo q ils nont que estate p terme d vie, ils prierront ayde de cestuy en le reversion, & processe serra fait per brieve vers luy de vener & pleder oue le ténant, en defence del terre sil voile, mes il covient, que ils accord en plea; car sils varie, le pleé l ténit sérí prise, & donques leyd pryer est en vaine: mes sil ne vient al second brieve, le tenant respondera sole.

Auxy tenant pur terme de ans, tenant a volunt, tenant per Elegit, & tenant per Statute Marchant averont ayde
D de

The Exposition of

de cestuy en le reversion, & le servant & bayly de leur master, quant ils ont fait aucun chose loyalmt, en le droit leur master averont ayde.

Auxy cest parol est ascun foits apply al subsidies, come en 14. E. 3. Stat. 2. cap. 1. autre foits a une prestation due de les tenants a leur Seigniors, come p reliefe due al Seign. paramont, ou p le feissance de son firs chival, ou p lespoussing de sa file, Glan. lib. 9. c. 8.

Cest ayde, le Roy, ou autre Seignior, per lantient ley Dengleire puit giser sur leur tenants p faire son firs chival al age de 15. ans, & espouser sa file al age de sept ans, Regist. orig. fol. 87. a. & a quel rate ils pleiront. Mes le statute de West. 1. fait Anno 3. E. 1. ordeine un restraint pur ascun grand ou large demand fait per common persons, esteant Seigniors, en ce case, & ad lie eux a une certaine rate. Et le statute de 25. E. 3. stat. 5. cap. 11. provide q le rate que est mise p le prim Statute serra tenu en le Roy cy bien come en auters Seigniors.

Aide de Roy.

Aide de Roy, est enséble case cõe est dit devãt de cõmon person, & auxy en plusors auters cases lou le Roy puit auer perde, cõt que le tenãt soit tenant en fee-simple, il avera aide, come si un rent soyt demand vers Tenant le Roy

the reversion, and the servant and bailly of their Master, when they have done any thing lawfully in the right of their Master, shall have ayde.

Also this word is sometimes applied to subsidies, as in 14. E. 3. stat. 2. cap. 1. other times to a prestation due from the tenants to their Lords, as for reliefe due to the Lord paramont, or for the making of his sonne a Knight, or for marrying of his daughter, Glan. lib. 9. cap. 8.

This ayde, the King or other Lord, by the ancient law of England, may lay upon their tenants to make his sonne Knight at the age of fifteene yeares, and to marry his daughter at the age of seven yeares, Regist. orig. fol. 87. a. and that at what rate they please. But the statute of West. 1. made Anno 3. Ed. 1. ordained a restraint for any great or large demand made by common persons being Lords, in this case, and hath tyed them to a certaine rate, and the Statute of 25. Edw. 3. stat. 5. cap. 11. provideth that the rate which is appointed by the former Statute shall be held in the King as well as in other Lords.

Ayde of the King.

Ayde of the King, is in like case as it is said befoze of a commõ person, and also in many other cases where the King may have loile, although that the tenant be tenant in fee-simple, he shall have ayd, as if a rent be demanded against the Kings tenant which holdeth

holdeth in chiefe, hee shall have ayde, and so he shall not of a common person.

And where a City or Borough hath a fee-farme of the King, and any thing bee demanded againt them which belongeth to the fee-farme, they shall have ayde for the losse of the King.

Also a man shall have ayde of the King in the stead of Voucher. Also the Kings Wastife, the collector, & the Purveyor shall have ayde of the King, as well as the Officers of other persons.

Aile.

Alle is a writ which lyeth where land discends from the grandfather to his Nephews, sc. the sonne, or daughter of the son of the grandfather, the father being dead before the entry by him, & one abateth, the heire shall have againt the abator this writ.

Aler sans jour.

Aler sans jour, is (word for word) to goe without day, that is, to be dismiss the court because there is no day of further appearance assigned.

Ale-taster.

Ale-taster is an officer appointed and sworn in every Leet to looke that the due assise be kept of all the Bread, Ale, and Beere sold within the Jurisdiction of the Leet.

Alien.

Alien is a subject which is born out of the ligeance of our K.

que tient en Chiefe, il auera ayde, & issint navera de auter person.

Auxy lou un Citie ou Borough ad un Fee-farme del Roy, & ascun chose est demad vers eux, que apperteigne al Fee-farm, ils aiont ayde pur le perde le Roy.

Auxy home auera ayde de Roy en lieu de voucher. Auxy le Baylife, Collector & Purveyor del Roy averont ayde del Roy, auxibien come les Officers de auters persons.

Aile.

Alle est un Briefe que gist lou Terre discende de lay-el a son Nephew, (videlicet) fitz, ou file del Fitz del Aiel, le pier esteaunt mort devant entrie per luy, & un abate, le heire avera vers le abater cel Briefe.

Aler sans jour.

Aler sans jour est (verbatim) ire sine die, cestascavoir decé dismisle hors del court pur ceo q nest ascun auelour del appearance assigne.

Ale-taster.

Ale-taster est un officer appoint & jure deins chescun Leet de veier q le due assise soit observe de tout le Pane, Ale, & Cervoise vendus deins le Jurisdiction del Leet.

Alien.

Alien est un subject q est nee hors del ligeance de nostre Roy

The Exposition of -

Roy & desouth le leigeâce del auter: Et il ne poit aver ascun real ou personal action cōcernant terre, mes en chescun tiel action le tenāt ou defédāt puit plead que il fuit nee en tiel país, q̄ nest deins le leigeance del Roy, & demād judgement sil serra respondu.

Chescun alien amie puit per le common ley aver & acquirir deins cest Realme per done, chivisāns, ou auter loyal voyes, ascun treasure ou biens personall quecunque, cibie come ascun home Englois, & puit mainteine ascun action pur ycel. Mes terres deins cest Realme ou measons, si non solmēt pur lour habitation, aliē ames ne poiet aver ne acquirir, ne maintin ascū actiō real ou personal pur ascū terre ou meason, sinon q̄ le meason soit pur lour necessary habitation. Un alienemie ne poit maintenir ascū act' ou acquir' asc' chose deins cest Realme. Et les Reasons pur que aliens nee ne sont capable de inheritance deins Angleteer, sont:

Primermēt, les secrets del roialme poient p ceo estr' con.

Secondment, les revenues del roialme serront prise & enjoy per estrangiers nee.

Tiercement, ceo voile tēd al destruct' del roialme. Primermēt en le temps de guerre car dōques estrāgers poient fortifie eux mesmes en le cuer del roialme, & cōbuster le cōmonweale. Secondmēt en le tēps de peace, car per tiel meanes plu-

and under the leigance of another: And he cannot have any real or personall action concerning land, but in every such action the tenant or defendant may plead that hee was borne in such a place, which is not within the Kings legiance, and demand judgement if he shall be answered.

Every alien friend may by the Common Law have and get within this Realme, by gift, trade, or other lawfull wayes, any treasure or personall goods whatsoever, as well as any Englishman, and may maintain any action for the same. But land within this Realme or houses (if not for their dwelling onely) alien friends cannot have nor get, nor maintain any action reall or personall for any land or house, but that the house be for their necessary dwelling. An alienemie cannot maintain any action, nor get any thing within this Realme. And the Reasons why aliens borne are not capable of inheritance within England, are:

First, the secrets of the realme may by this be discovered.

Secondly, the revenues of the Realme shall be taken and enjoyed by strangers.

Thirdly, this will tend to the destruction of the Realme, first in the time of warre, for then strangers may fortifie themselves in the heart of the Realme, & set in combustion the commonwealth. Secondly, in the time of peace, for by such meanes ma-
ny

ny aliens borne, may get a great part of the inheritance and freehold of the Realme, by which there would ensue a want of Justice, the supporter of the common-wealth, for this that aliens cannot be returned of Juries, nor swoyne for the tryall of Issues between the King and the Subject, or between Subject & Subject, Vide Co. lib. 7. Calvins Case.

fors aliens nee poient acquirir un grād parte del inheritance & franktenement del roialme, per que la voile ensue un failer de Justice, le supporter del cōmon-wealth, pur ceo q̄ aliens ne poient estre retourne de Juries, ne jure pur le trial de issues parent' le Roy & le subject, ou perēt' subject & subject. Vide Co. lib. 7. Calvins Case.

Alienation.

A Lienation, is as much to say, as to make a thing another mans, or to alter or put the possession of lands or other things from one man to another. And in some cases a man hath power in himselfe so to doe, without the assent or licence of any other, and in some not. As if tenant in chiefe alien his estate without the Kings licence, then by the statute of Ed. 3. c. 12. a reasonable fine shall be taken, where at the common law before the said statute, the lands and tenements held in chiefe of the King, and aliened without licence, have bene held forfeited. And if the Kings tenant that holdeth in chiefe, intend to alien unto C. to the use of D. and hereupon if he purchase licence to alien to C. and accordingly hee alieneth to C. to the use of D. which use is not mentioned in the licence, in this case he shall pay but one fine, for it is but one alienation, Coke lib. 6. fo. 68. But if a man will alien lands in fee-simple to a house of Religion, or to a body incorporate, it behooveth him to have the

Alienation.

A Lienation, idem est quod alienum facere, ou de alter, ou mitter le possession de terre ou autre chose de lun home al autre. Et en ascū cases home ad poier en luy mesme issint a faire sans lassent ou licēce d'ascun autre, & en ascun nemy. Come si tenant in capite alien son estate sans cōge le roy, dōque per le stat. de 1. Ed. 3. cap. 12. un reasonable fine avera prise; ou al common Ley devant le dit Statute les terres & tenements tenus en chiefe del Roy & alien sans congee ont este tenus forfeit. Et si tenant le Roy q̄ teigne en capite intend de aliener al C. al use de D. & sur ceo si il purchase licence de aliener al C. & accordant il alien a C. al use de D. quel use nest mentio en le licence, en cest case il paiera forsq; un fine, car est forsq; un alienation. Coke l. 6. f. 28. Mes si home voile aliener terres en fee-simple a un meason de Religion, ou a un corps incorporate, covient a luy daver conge le Roy de fair cest grant

The Exposition of

ou alienation, & le chiefe Seignours de queux tiels terres s'ont tenus, &c. autrement le terre issint alien en Mortmaine sera forfeit per lestatute de 15. R.2. cap.5.

Kings licence to make this grant or alienation, & the chiefe Lords of whom such lands are held, &c. otherwise the land so aliened in Mortmaine shall be forfeited by the Statute of 15. R.2. cap.5.

Allay.

Allay est le temper ou mixture d'or & argent oue plus base metall p l'augmenter del pois de ceo en tant q poit countervaille le charge del Roy en le coynage: & en parol est use en lestatute 9. H. 5. cap. 11. pur le payement del or Anglois per le Pois le Roy.

Allay.

Allay is the temper or mixture of gold and silver with baser metall, for the increasing the weight of it so much as may counterbaile the Kings charge in the coining. And this word is used in the Statute of the 9. yeare of H. 5. cap. 11. for the payment of English gold by the Kings weight.

Alvageor.

Alvageor est un officer del Roy, q per luy mesme ou per son Deputy viel al Assise de tout le pane que est fait de lane per tout le terre, & a mitter signets pur tiel purpose ordeignes al eux, 35. E. 3. Stat. 4. cap. 1. Anno 3. R. 2. cap. 2. & il est destre accomplable al Roy per chescun pane que est issint seale en un fee ou custome a ceo apperteignant.

Alvageor.

Alvageor is an officer of the Kings, who by himselfe or by his Deputy, seeth to the Assise of all cloth that is made of wooll throughout the land, and to put a seale for that purpose ordained unto them, 35. E. 3. Statute 4. cap. 1. Anno 3. R. 2. cap. 2. and he is to be accountable to the King for every cloth that is so sealed in a fee or custome unto it appertaining.

Almner.

Almner est un officer del Hostel le Roy, & son office est p dispence les almes le Roy chescun jour, & a ceo ppose il ad le collection des tous forfeitures des Deodands & des biens des felons de se que le Roy luy allow p disposer en almes as povers. Et de son office vide Fletam, lib. 2. cap. 22.

Almner.

Almner is an officer of the Kings house, whose office it is to distribute the Kings almes every day, and to that purpose he hath the collecting of all forfeitures of Deodands, and of the goods of felons de se, which the King allowes him to dispose in almes unto the poore. And of his office, see Fleta. lib. 2. cap. 22.

Ambidexter.

Ambidexter.

AMbidexter, is hee that when a matter is in suite betwene men, taketh money of the one side and of the other, either to labour the suit, or such like, or if hee be of the Jury, to say his verdict.

Amendment.

AMendment, is when Errour is in the Process, the Justices may amend it after judgement. But if there be error in giving of judgement, they may not amend it, but the party is put to his writ of Error. And in many cases, where the default appeareth in the clerke that writt the Record, it shall be amended: But such things as come by information of the party, as the towne mystery, and such like, shall not be amended, for he must informe true upon his peril.

Amercement.

AMercement, most properly is a penalty assessed, by the Peeres or equals of the party amerced, for an offence done, as for lack of suit of Court, or for not amending of some thing that he was appointed to redresse by a certaine time before, or for such like cause, in which cause the party which offendeth putteth himselfe in the mercy of the King or Lord, and thereupon this penalty is called Amerciament.

And there is a difference betwene Amerciaments & fines, Kitch. 214. For fines are punish-

Ambidexter.

AMbidexter, est celuy que quant un matt' est en suite perent' homes, prist argent de l'un part & del autre, ou pur labour le suit, ou tiels semblables, ou sil soit del Jurie pur dire son verdict.

Amendment.

AMendment, est quaut error est en le proces, les Justices poient ceo améder apres judgement. Mes si error soit en judgement done, ils ne poiét amender ceo, mes le party est mis al brief de Errour. Et en plusors casés lou le default appiert en le clerke q' escria le Record, il serra amend: Mes tiels choses que vient per information del party, come le ville, mysterie, & hujusmodi, ne serra amend, car il doit informer veray a son peril.

Amercement.

AMercement, pluis properment est un penaltie assésse per les Peeres ou pares del partie amercie, pur un offence fait, come pur default de suit de Court, ou pur non amend' de ascun chose que il fuit appoint de redresser devant, ou p' tiel semblable cause, en quel case le pty que offend soy mist en le mercie del Roy ou Seigniour, & sur ceo cel penaltie est appel Amerciament.

Et la est un difference parerter Amerciants & Fines, Kitch. 214. Car Fines sont punishments

The Exposition of

nishments certaine, que cresceront expresment de ascun Statute, & Amerciaments sont tiels que sont arbitralement impose p les affectors, le quel M. Kitchen semble a confirmer, fol. 78. en ceux parolx, Amerciament est affecte per pares.

Auxy il appiert, Coke lib. 8. fol. 39. que un fine est tous foits impose & assesse per le Court, mes Amerciament, que est appel en Latin *Misericordia*, est assesse per pays.

Auter diversite la est, come si home soit conviët devant le Vicount en le Countie, dun Recaption, il serra forsque amercie, mes sil soit conviët de ceo en le Common Banke, il serra fine, & le reason de cest diversite est, Que le Countie Court nest pas Court de record, & pur ceo ne poit imposer un fine, car nul Court ne poit imposer fine mes tiel court q est Court de record, Co. lib. 8. fol. 41. a. Si le defendant ou tenant plead un faux fait a luy, ou deny s'il fait demesne, & ceo est troue vers luy, ou sil, *relicta verificatione cognoscit actionem*, il serra fine pur son faulxisme, *Quia certi debemus esse de proprio facto*: Mes si un deny le fait son ancestor, & ceo est troue vers luy, uncore il ne serra fine, mes amercy solemet, *Quia de alieno facto*, Co. lib. 8. f. 60. a. & vide pluis la.

Amercement royal.

A Mercement royal, est quant un Vicont, Coroner, ou au-

ments certaine, which grow expressly from some Statute, and Amerciaments are such which are arbitrarily imposed by the Affectors, the which Master Kitchen seemeth to confirme, Fol. 78. in these words, The Amerciament is affected by Equals.

Also it appeareth, Coke lib. 8. Fol. 39. That a fine is alwayes imposed & assessed by the Court, but Amerciament, which is called in Latin *Misericordia*, is assessed by the Countie.

Another diversity there is, As if a man be convicted before the Sherife in the Countie of a Recaption, he shall be but amercied, but if he be convicted of this in the Common Bench, he shall be fined; and the reason of this diversity is, That the Countie Court is not a Court of record, and therefore cannot impose a fine, for no Court can impose a fine, but such a Court as is a Court of Record, Coke l. 8. fol. 41. a. If the defendant or tenant plead a false deed to him, or deny his owne deed, & this is found against him, or he, leaving his owne verification, acknowledgeth the action, he shall be fined for his falsity, because we ought to be sure of our owne acts: But if one deny the deed of his ancestor, and this is found against him, yet he shall not be fined, but amercied onely, because it was the act of a stranger, Co. lib. 8. fol. 60. a. and see more there.

Amercement royal.

A Mercement royal, is when a Sherife, Coroner, or other such

Such Officer of the King is amerced by the Justices for his abuse in the Office. Learne it it shall not be said a fine.

Amoveas manus.

A Moveas manus. **See** Ouster le mayne.

An, jour, & wast.

A N, jour, & wast, is a forfeiture when a man hath committed petty treason or felony, and hath lands which hee holdeth of some common person, which shall be seised for the King, and remaine in his hands by the space of one yeare and a day, next after the attainder, and then the trees shall be digged up, the houses shall be razed and pulled downe, and the pastures and medowes eyred & plowed up, so that he to whom the land should come by escheat or forfeiture, doe not redeeme it of the K. a thinge the more to greeve the offenders, and terrifie others to fall into the like, in shewing howe the law doth detest their offence, so farre forth as that it doth execute judgement and punishment epen upon their dumbe and dead things.

Aniente.

A Niente comes (as some think) from the French Aneantir, that is, se abjicere & prosternere, or rather from the old Latin word Adnihilare, for Aniente in our law language signifies as much as frustrated or made voyde, and this word is used by M. Littleton in his 741. Section.

ter tiel officer del Roy est amercy p les Justices pur son misdemeaning en le office. Quære si ne ferra dit fine.

Amoveas manus.

A Moveas manus. Veies Ouster le mayne.

An, jour, & wast.

A N, jour, & wast, est un forfeiture, quant un hœc ad fait petit treason ou felonie, & ad terres queux il tient de ascun common person, queux ferra seisi pur le Roy, & remaine en son maines per la space de un an & un jour procheine apres le attaind, & donques les arbres serront defosse, les measons serront rases, & les pastures & prees ayres & plowed, si non que il a que le terre devenera per leschere ou forfeiture, ne ceo redeem' del Roy: un chose le pluis de greever le offenders & terrifie auters de cader en autiel, en demonstrance coment le ley detest lour offence, cy avant issint q il execute judgement & punishment sur lour mute & mort chosez.

Aniente.

A Niente venist (cœe semble as ascuns) del Francois Aneantir, (id est) se abjicere atque prosternere, ou potius del veux Latine parol Adnihilare, car aniente en nostre ley signifie tant come frustrate ou defeat: & cest parol est use p M. Littleton, Sect. 741.

Annates.

The Exposition of

Annates.

Annates est un parol use en leſt 25. H.8. cap.20. & ſemble d  e tout un ove *Primiti  *, car. iſſint *Pol. Virgil. de inventione rerum* l.8. c.2. dit. qu  d *Annatarum uſus multo antiquior eſt qu  m recentiores quidam ſcriptores ſuſpiciantur, & Annatas (more ſuo) appellant primos fructus unius anni ſacerdotii vacantis, aut dimidiam eorum partem.*

Annua penſione.

Annua penſione, eſt un Briefe per que le Roy ay  t due a luy un annuall Penſion d'af  un Abote ou Prior per af  u de ſes Chapleins q   il voile noſnera a luy q   neſt provide dun competent Benefice, & ceo demand del dit Abbot ou Prior pur un q   eſt noſme en meſme le Briefe jeſq; &c. Et auxy luy c  mand  t p   le meux aſſurance de ſon Chapleine a doner ſes Letters patents a luy pur icel, vide *Fitzherb. Nat. Bre. Fol.231.* ou poyes auxy veyer les noſmes de tous les Abbeys & Priories q   fueront lie a c  o, en reſpect de leur f  undation ou creation, & auxy pur le forme de Letters Patents uſualment gra  ts ſur tiel briefe.

Annuitie.

Annuitie eſt un certaine ſum de money grant a un autre en Fee Simple, Fee Taile, pur terme de vie, ou pur terme de

Annates.

Annates, is a word uſed in the Statute of 25. H. cap. 20. and it ſeemes to be all one with firſt fruits, for ſo Pol Virgil. de inventione rerum, l.8. c.2. ſayes, that Annatarum uſus multo antiquior eſt quam recentiores quidam ſcriptores ſuſpiciantur, & Annatas (more ſuo) appellant primos fructus unius Anni Sacerdotii vacantis, aut dimidiam eorum partem.

Annua penſione.

Annua penſione, is a writ by which the King having due unto him an annuall Penſion from any Abbot or Prior, for any of his Chapleines which he will name unto him, who is not provided of a competent living, and this demandeth of the ſaid Abbot or Prior for one that is named in the ſame writ, untill &c And alſo commanding him, for the better certainty of his Chapleine, to give his Letters patents to him for the ſame, ſee *Fitzherb. N. B. 231.* where you may alſo ſee the names of all the Abbies and Priories which were bound to this, in reſpect of their foundation or creation, and alſo for the forme of the Letters patents uſually granted upon ſuch a writ.

Annuitie.

Annuitie is a certaine ſumme of money granted to another in Fee Simple, Fee taile, for terme of life, or for the terme of yeares,

years, or to receive of the grantor or of his heires, so that no freehold is charged therewith, wherof a man shall never have Waste nor other Action, but a Writ of Annuity, and it is no Assets to the heir of the Grantor to whom it shall descend.

There are many differences between Annuities and Rents: for every Rent is issuing out of land, but an Annuity is not issuing out of land, but chargeth the person, that is to wit, the grantor or his heires, which have assets by descent, if that some speciall proviso be not to the contrary, as Lit. Lect. 220.

Also for an Annuity no Action lieth, but only a Writ of Annuity against the grantor, his heires or successors: and this Writ of Annuity never lieth against the taker of the profits, but only against the Grantor or his heires. Where for a Rent, the same Actions lie against the Tenant of the land, and sometimes against him that is taker of the Rent, that is to say, against him that taketh the Rent wrongfully. Also an Annuity is not to be taken for Assets, because it is not any freehold in Law, And it shall not be put in execution upon a Statute Merchant, or Statute Staple, or Elegit, as a Rent may. Doct. & Stud. c. 30. See Dy. fo. 345. pla. 2. Also an Annuity cannot be severed, Co li. 8. fo. 52 b. according to the Writ there:

Let no Judge himselfe endeavor Annuities or Debts to sever.

ans, a receiver del Grantor ou ses Heires, issint que nul franktenement est charge de ceo, de que home n'aita unques Assise ou auf action, forsque Briefe de Annuity, & nest aucun assers al heire le Grantee a que il descendera.

La s'ot plusors differēces perent annuities & réts: Car chescū rent est issuāt hors de terre, mes un annuitie nest issuāt hors del Terre, mes chargera le persō, cestascavoir, le grantor ou ses heirs q̄ ont assers per descent, sinon q̄ special proviso soit al contrary, come Lit. Sect. 220.

Auxy pur un annuity nul action gist forsque solement un briefe de annuitie vers le Grantor, ses Heires ou Successeurs. Et cest briefe d'annuity ne unques gist vers le Pernor des profits, mes solement vers le Grantor ou ses heires: Ou pur un Rent mesmes les Actions gisōt envers le tenant del terre, & ascū foits évers celuy que est pernor del Rent, cestascavoir, vers luy que prist le rent torcioussint. Auxy un annuitie nest destf prise p̄ assers, p̄ ceo q̄ nest ascū franktenement en Ley. Et ne serra mis en execution sur un Statute Merchant, Statute Staple, ou Elegit, si come un Rent puit. Doct. & Stud. c. 30. Vid. Dy. f. 345 pla. 2. Auxy un annuity ne poit estre seū Co. l. 8. f. 52 b. accordant al metre la:

*Annale aut debitum,
Judex nec separat ipsum.*

Anoyfance.

The Exposition of

Anoyfance.

ANoyfance est un paroll use en lestatute 22. H. 8. cap. 5. & signifie nient plus q̄ Nufance, & pur ceo vide tit. Nufance apres.

Anoyfance.

ANoyfance is a word used in the Statute of 22. H. 8. cap. 5. and signifies no more than Nufance, and therefore see title Nufance after ward.

Appeale.

APpeale est lou un ad fait murder, robbery, ou mayhem, donques la feme cestuy que est tue, avera un action de Appeal vers le murderer, mes fil had feme, donques son procheine heire male avera le appeale a ascun temps deins lan & jour apres le fact.

Et auxy cestuy q̄ est issint robbe ou maymed, avera son appeale, & si le defendant soit acquite, il recovers damages vers le appellour & labbetours, & ils averont le imprisonment dū an, & ferra fine al Roy. Appeale de mayhem nest en manner forsque action de trespassse, car il ne recovers forsque damages.

Appeales sōt cōmence deux voyes, ou per brieve, ou per bill: Per brieve, quant un brieve est purchas hors del Chācery per un home vers auter home, luy commandant que il appealera un tierce home dascun felonie ou auter offence per luy comit, & a trover pledges que il ceo ferra oue effect, & cest brieve est destre deliver al Vicount destre record.

Appeale per bill, est, quant un home de luy melme done son accusation dauter home

Appeale.

APpeale is where one hath done a murder robbery, or mayhem, then the wife of him that is slain shall have an Action of Appeal against the murderer, but if hee have no wife, then his next heire male shall have the Appeal at any time within a yeare and a day after the dead.

And also he that is so robbed or maimed, shall have his Appeal, and if the Defendant be acquitted, he shall recover damages against the Appeller and the Abbetours, & they shall have the imprisonment of a yeare, and shall make fine to the King. An Appeal of mayhem is in manner but a trespassse, for hee shall recover but damages.

Appeales are commenced two wayes, either by writ, or by bill: By writ, when a writ is purchased out of the Chācery by one man against another man, commanding him, that hee shall appeal a third man, of some felony or other offence by him committed, and to finde pledges that he shall doe this with effect, and this writ is to be delivered to the Sherife to be recorded.

Appeale by Bill, is when a man of himselfe giveth his accusation of another man, in writing to

to the Sheriffe or Coroner, and taketh upon himself the burthen of appealing him that is named in the said writting. Appellant is the Plaintife in the appeale.

Appendant et appartenant.

Appendant et appartenant are things that by time of prescription have belonged, appertained, and are joynd to another principall thing, by which they passe and goe as accessary to the same speciall thing, by vertue of these words Pertinentiis : as lands, Advowsons, Commons, piscaries, wayes, Courts, and others such like, to a mannor, house, office, or such others.

Apportionment.

Apportionment is a dividing into parts of a rent which is dividable, and not entire or whole, and for as much as the thing out of which it was to be payed, is separated and divided, the rent also shall be divided, having respect to the parts. As if a man have a Rent service issuing out of land, and hee purchaseth parcell of the land, the rent shall be apportioned according to the value of the land.

So if a man hold his land of another by Homage, Fealty, escuage, and certaine rent, if the Lord of whom the land is holden, purchase parcell of the land, the rent shall be apportioned.

And if a man let Lands for yeares, reserving Rent, and after a Stranger recovereth part of the Land, then the Rent shall be ap-

en escript al Vicoür ou Coroner, & prist sur luy le burden dappealing cestuy que est nomme en le dit Escrip. Appellât est le Plaintife en lappeal.

Appendant & Appurtenant.

Appendant & appurtenant sôt choses q̄ p tēps de prescription ont belôg, appertaine, & sôt joyne al un auter principall chose, ovesq, q̄ ils passent & va come accessar al m principal chose per vertue de ceux parols Pertinentiis : cōe terre, advowsons, cōmons, piscaries, chimins, courts, & divers tiels semblables, al un Mañ, meason, office, ou tiels aüs.

Apportionment.

Apportionment est un dividing en parts de un Rent, le quel est dividable, & nient entier ou whole, & entant que le chose hors de quel il fuit destre pay, est separate & divide, le rent auxy serra divide, ayant respect a les parts. Si come un home ad un rent service issuant hors de terres, & il purchase parcel de le terre, le rent serra apportion accordant al value del terre.

Isint si home tient son terre dun auter per homage, fealty, escuage, & certaine rent, si le Seignior de que le terre est tenu, purchase parcell del terre, le rent serra apportion.

Item si hōe lessa terres pur ans, reservant Rent, & apres un estrange recoü part de le terre, donques le Rent serra apportion

The Exposition of

apportion, cest adire, divide, & le lessee paiera, aiant respect a ceo que est recoû, & a ceo q ore remaine en ses mains, accordant al value.

Mes un Rent charge ne poit estre apportion, ne choses que sont entier: Sicomé un tient fies p service de payer a son Seignior annuellement a tiel feast, un Chival, Esperver, un Rose, un Cherrey, ou tiels seblables, la si le Snt purchase pcel de la fre, cest service est tout alé, p ceo que un Chival, Esperu, Rose, ou un Cherrey, & tielx aués, ne poyent estre divide, severed, ou apportion, sans damage al entierty.

Mes en ascû cases Rétcharge serra apportiô, cõe si home ad Rent charge issuant hors de terre, & son per' purchase parcel de les terres charges en fee, & morust, & cel parcel descend a son firs que ad le Rent Charge, ore cel Charge serra apportion solonque le value de la terre, pur ceo que tiel portion de la terre purchase per le pere ne vient al firs per son fait demesne, mes per descent, & per course de Ley.

Common appendant est de common droit & seyerable, & comient que le commoner en tiel case purchase parcel del terre en q le common est appendant, une le common serra apportion: mes en tiel case common appurtenant & nemy appendat per tiel purchase est extinct, Coke, l.8. fol. 79.

portioned, that is to say, divided, and the Lessee shall pay, having respect to that which is recovered & to that which yet remaineth in his hands, according to the value.

But a Rent charge cannot be apporportioned, nor things that are entire: As if one hold land by Service, to pay to his Lord yearly at such a feast, a Horse, a Hawke, a Rose, a Cherry, or such like, there if the Lord purchase parcel of the land, this service is gone altogether, because a Horse, a Hawke, a Rose, a Cherry, and such other cannot be divided, severed, or apporportioned, without hurt to the whole.

But in some cases Rentcharge shall be apporportioned, as if a man hath a Rentcharge issuing out of land, and his father purchaseth parcel of the lands charged in fee, and diech, and this parcel descendeth to his son which hath the Rent charge, there this charge shall be apporportioned according to the value of the Land, because that such portion of the land purchased by the father, cometh not to the son by his owne De, but by descent, and by course of Law.

Common appendant is of common right and seyerable, and although that the commoner in such case purchase parcel of the land wherein the common is appendant, yet the common shall be apporportioned: But in this case common appurtenant and not appendant, by such purchase is extinct. Coke, l.8. fol. 79.

Apostata

Apostata capiendo.

A Postata capiendo, is a writ directed to the Sheriffe, for the taking of the body of one who having entred into, and professed some order of religion, leaves his said order, and departs from his house, and wanders in the country: upon a certificate of this matter made by the soveraigne of the house in the Chancery, and the praying of the said writ, he shall have it directed to the Sheriffe for the apprehending of him, and redelivery of him to the said soveraigne of the house, as his lawfull attourney. And see the forme of this writ in Fitzh. N.B. 233. c.

Appropriations.

A Appropriations were then those houses of the Romish Religion, & those religious persons, as Abbots, Priors, and such like, had the advowson of any Parsonage to them and to their successors, and obtained licence of their holy Father the Pope, and of the Ordinary and King, That they themselves and their successors from thenceforth should be Parsons there, and that it shall be from thenceforth a Vicarage, and that the Vicar shall serve the cure. And so at the beginning appropriations were made onely to those persons Spirituall that could minister the Sacraments, and say divine Service, as Abbots, Priors, Deanes, and such like. After by little and little they were enlarged & made to others, as namely, to a Deane and

Apostata capiendo.

A Postata capiendo est un bfe direct al viscount p le prend del corps dū que ayant enf & professe ascun order de religion, relinquit le dit order, & waive son meason, & est vagraunt en le pais: & sur un certificate de c' matter p le soveraigne del dit mease de religion fait en le Chauncery, & le prier del dit bfe, il aua ceo direct al viscount pur lapprender de luy, & redelivery al dit soveraigne del mease ou son loyall attourny. V. le forme del bfe en Fitzh. N.B. 233. c.

Appropriations.

A Appropriations fuer' quant ceux meafōs de le Romish Religion, & ceux religious persons, come Abbots, Priors, & tiels semblables, avoient le advowson de ascun Parsonage al eux & a leur succēssors, & obtaine licence de leur S. Pere le Pape, & de le Ordinary & Roy, q̄ ils mesmes & leur succēssour de ceo in avant doient este Parfōs la, & il serra é avāt un Vicarage, & que le Vicar servera le Cure. Et issint al cōmēcent appropriations fueront faits solements a ceux persons Spiritualls, que puissioient minister les Sacraments, & dire divine Service, come Abbes, Priors, Deanes, & tiels semblables. Apres p petit & petit ils fueront enlarge & fait as auters, come nōsīement al Deane

The Exposition of

Deane & Chapter, quel est corps corporat, consistant de plusieurs, quel corps ensemble ne puissôt dire divine service, & que plus fuit, al Nuns que fueront Prioresse de ascü Nury, quel fuit chose horrible, entant q̄ ils ne puissioët minister Sacraments, ne preach, ne dire divine Service al parochians.

Iir tout ceo fuit sur pretence de hospitality & maintenance de ycel. Et de supplier cel defects un Vicar fuit devise, quel serroit deputy, al Priors ou Deane & Chapter, & auxy al darrein al dit Abbes, & auters a dire divine Service, & il auroit pur son labour forsque petit portion, & ils a quel le appropriations fueront fait, reteigneront le grand revenues, & ils seloyent riens pur ceo, per meanes de quel hospitality decay en le lieu ou il doit estre chiefement gard, nismement en le parish ou le benefit fuit, & ou les profits cressoyent, & issint il continue tanq; a cest jour, al grand hinderance de erudition, al impoverishment de le Ministry, & le infamie de le Gospel, & le professors de ycel.

Le Vicar avera un certaine portion del Benefice, & que le Abbe & le Covent serront Parsons, & averont les auters profits; cest appelle un Appropriation, & donques le Abbe & le Covent serront Parsons imparsones: mes tiel Appropriation ne poit

Chapter, which is body corporate, consisting of many, which body together could not say divine Service, and which was more, to Nuns that were Prioresse of some Nunrie, which was a wicked thing, insomuch as they could neither minister Sacraments, nor preach, nor say divine service to the parishioners.

And all this was upon pretence of hospitality and maintenance thereof. And to supply these defects, a Vicar was devised, who should be deputy to the Priors, or to the Deane and Chapter, & also at the last to the said Abbots, and others, to say divine Service, and should have for his labour but a little portion, & they to whom the appropriations were made, should retain the greater revenues, and they did nothing for it, by meanes whereof hospitality decayed in the place where it ought to have been chiefly maintained, namely in the Parish where the Benefice was, and where the profits did grow, and so it continues to this day, to the great hinderance of learning, to the impoverishment of the Ministry, and to the infamy of the Gospel, and professors thereof.

The Vicar shall have a certaine Portion of the Benefice, and the Abbot and the Covent shall be Parsons, and shall have the other profits: This is called Appropriation, and then the Abbot and Covent shall be Parsons imparsones: But such Appropriation may not be made to be-
gin

gin in the life of the Parson without his assent.

And after the Church was appropriated, then was it an Incident, inseparable to the House of Religion, to which it was so appropriated. And therefore, where the Lands of the Templars in England were given by the generall words of an Act of Parliament of 17. Ed. 2. to the Hospitallers, it was adjudged, That the Hospitallers by the said Act should not have the Appropriation, for it was inseparably annexed to the Corporation of the Templars: which thing consisting in an inseparable privitie, by the generall words of an Act of Parliament, shal not be transferred to others. Coke lib. 7. fo. 13. a.

But if such advowsons of the Parsonage be recovered by ancient title, then the Appropriation is adnulled. And it is called Appropriation, for that they hold the profits to their owne proper use.

Approver.

A Pprover or Appellor, is he who hath committed some felony, which he confesseth, and now appealeth or approbeth, that is to say, accuseth others which were coadjutors or helpers with him in doing the same, or other felonies, which thing he will approve: And this p[ro]ofe is to be either by battaile, or by the countrey, at his election that appealed. This accusation is often done before the Coroner, who either is assigned to the felon by the court to take and record that which he

estre fait a commencer en le vie le Parson, sans son assent.

Et apres Lefglise fuit appropriate, donques fuit ceo un Incident, inseparable al Meason de Religion, a que ceo fuit issint appropriate. Et pur ceo, ou les terres des Templars en Angleterre fuer done per les generall parols dun Act de Parliament de 17. Ed. 2. al Hospitallers, fuit adjudge que les Hospitalers p[er] le dit Act naverot lappropriation, car ceo fuit inseparablement annex al Corporation des Templars: quel chose consistant en inseparable privitie, per general parols dun Act de Parliament, ne serra transferre al auters. Coke lib. 7. fol. 13. a.

Mes si tiel Advowson del Parsonage soit recoyer p[er] ancient title, doques lappropriation est adnulle. Et est appel appropriation, cur ceo q[ue] ils teigne les profits a lour proper use.

Approver.

A Pprover ou Appellor; cestuy que ad fait ascū felony, le quel il confesse, & a ore appeale ou approve, cest adire, accuse auters que fueront coadjutors ou aydors oue luy en felans de ceo, ou auters felonies, le quel chose il voyle approve: Et cest p[ro]ofe est destre ou per battaile, ou per le pais, a son election q[ue] approve. Cest accusation est plusors foirs fait devant le Coroner, q[ue] ou est assigne al felon per le Court, a p[re]d[re] & recorder ceo

The Exposition of

q̄ il dit, ou est appel p le felon luy mesme, & require pur le bon del Prince & publique weale, a recorder ceo que il dirra. Le Serement del Approver, quant il cōmence le combat, come auxy le proclamation per les Heraulds, apparont en Crompton, pag. ult.

Si home q̄ est de bone fame, soit appeale per un Approver, p̄ q̄ il est prise & deteigne en prison, uncore il poit aver un brieve destre direct al Vicount, luy commandant a permettre le party appeale destre bayle p bone Mainperners. Mes si hōe appeale p un Approū, soit deteigne en prison, & apres le Approver devie, la il puit sue un brieve direct al Viscont, a pmitter luy de aler a mainprise sur bone suerty, sil ne soit un notorious felō, com̄t q̄ il ne soit de bōe fame, *F.N.B. 250.d.*

Approvement.

Approvement est lou un hōe ad cōmon en le wast terre de Seignior, & le Seignior enclose part del wast terre pur luy mesme, relinquishant niēt obstant sufficiēt Common, oue egressē & regressē pur les commoners. Cest inclosure est apel Approvement.

Approvers le Roy.

Approvers le Roy sont ceus que ont le demiser des demeans le roy deins petites mānors le roy p̄ le plus availle le roy. Et des niels Approvers poies veier en lestatute fait 2.

saith, or is called by the felon himselfe, and required for the good of the Prince & Commonwealth, to record that which he shall say. The Oath of the Approver, when he beginneth the Combat, as also the proclamation by the Heraulds, appeare in Crompton, pag. ult.

If a man that is of good fame be appealed by an approver, by which he is taken and kept in Prison, yet he may have a writ to be directed to the Sherife, commanding him to suffer the party appealed to be bayled by good sureties. But if a man appealed by an Approver, be kept in Prison, and afterwards the Approver dieth, there he may sue a writ directed to the Sherife, to suffer him to be bayled upon good surety, if he be not a notorious felon, although he be not of good fame, *Fitz. N.B. 250. d.*

Approvement.

Approvement, is where a man hath common in the Lord's wast ground, and the Lord incloseth part of the wast for himselfe, leaving nevertheless sufficient Common, with egress and regress for the Commoners. This inclosing is called Approvement.

The Kings Approvers.

The Kings Approvers are those that have the letting of the Kings demeanes in small manors for the Kings greater advantage. And of such Approvers you may read in the Stat. 2. E. 3.

cap. 12. that they were men sent into divers Countiees to increase the farmes of hundredes and wapentakes. And you may see in the Statute made in 1. E. 3. cap. 8. that the Sherifes call themselves the Kings Approvers.

Arbitrement.

ARbitrement is an Award, determination, or judgement, which one or more maketh at the request of two parties at the least, for and upon some debt, trespass, or other controversie had between the said parties. And this is called in Latine Arbitratus, & Arbitrium, and they that make the award or arbitrement are called Arbitri, in English Arbitrators.

To every arbitrement five things are incident, sc. Matter of controversie, submission, parties to the submission, arbitrors, and giving up of the arbitrement, Dyer 217. pla. 60. If the Arbitrement be made, that the one parties shall goe quit of all Actions which the other hath against him, & nothing is said of the Actions which he hath against the other, this arbitrement is voyd, because it was made of the one part, and not of the other. 7. H. 6. cap. 40.

When a submission to an arbitrement is generall of all actions, &c. and the Arbitrator makes an award only of one, yet this may well stand with the generality of the words, that there was not but one cause depending between them, for a generality implieth no certainty. And if the arbitrement should be for this avoyded, then

E. 3. cap. 12. q̄ fueront hōes mises en divers countiees p̄ increaser les farmes des Hūdrede & wapentakes. Et est a veier en lestat. 1. E. 3. cap. 8. que les viscounts appel eux mesmes les Approvers le Roy.

Arbitrement.

ARbitrement est un award, determinatiō, ou judgment, quel un ou plurs font al request de deux p̄ies al meines, pur & sur ascū det, trespass, ou autre controversie ewe perēter les dits p̄ies. Et cest appel en Latin *Arbitratus*, & *Arbitrium*, & ils q̄ font le award ou arbitrement, sont appel *Arbitri*, en Anglois, *Arbitrators*.

A chescun Arbitrement cinque choses sont incident, sc. Matter de controversie, Submission, parties al submission, arbitrors, & rendre suis del arbitrement. Dyer 217. *placito* 60. Si l'arbitrement soit fait, que lun partie alera quit de tous actions que l'auter ad vers luy, & riens est dit des actions que il ad vers l'auē, cest arbitrement est voyd, p̄ ceo que fuit fait de lun part, & nemy de l'auter. 7. H. 6. 40.

Quant un submission a un arbitrement est generall de tous actiōs, &c. & le arbitrator fait un award seulement de un, uncore ceo bien poit estoier ou les generality des parols, q̄ la ne fuit forsq; un cause depēdāt perent eux, car, *generale nihil certe implicat*. Et si le arbitrement serroit pur ceo avoide, E 2 donque

The Exposition of

donq; plusors arbitremts poiet estre avoyd, car lū poit cōceale un trespasse fait, ou auter cause daction done a luy, & issint avoyde l'arbitremt. Auxy nul party al ascū Arbitremt serra per ceo lye, sinon que le agard soit a luy deliver, come est Coke lib. 5. fol. 103. Vide Coke lib. 8. fol. 98.

many arbitremts might be avoyded, for the one might conceale a trespasse done, or other cause of action giben unto him, and so avoyd the arbitrement. Also no party to any arbitrement shall be by it bound, unless that the award be delivered unto him, as it is Coke lib. 5. fol. 103. See Coke lib. 8. fol. 98.

Archies.

Archies (five Curia de Arcubus) est le principal & plus ancien consistory que appertaine al Archevesq; de Canterbury, & est appel le Archies del esglise lou le dit court est tenu, viz. *Ecclesia Beatae Mariae de Arcubus* en Londres. Et de cest court mention est fait en le statut. fait en 24. H. 8. cap. 12. touchant Appeales.

Archies.

Archies (or the Court of the Archies) is the chiefe and most ancient consistory belonging unto the Archbishop of Canterbury, and it is called the Archies of the Church where the Court is kept, namely Bow-Church in London. And of this Court mention is made in the Statute made in 24. H. 8. cap. 12. touching Appeales.

Array.

ARray est le disposing ou ordering dū Jury, ou Enquest de homes, q̄ sōt impanel sur ascū cause, 18. H. 6. ca. 14. de que vient le verbe, al arrayer un pannel, Vet. N. B. fol. 157. Cest adire, a mitter hors un pauter, les hōes q̄ sōt empānel. Le array serra quash, ibid. Per statute, chescun array en Assise devoit destre fait quater jours devant. Br. tit. Panel nū. 10. A challeng' le array. Kit. 92.

Array.

ARray is the taking or ordering of a Jury, or Enquest of men that are impanelled upon any cause, 18. H. 6. ca. 14. from whence cometh the Verbe, to array a pannell, Old B. N. fol. 157. That is to say, to set forth one by another the men that are impanelled. The array shall be quashed, ibid. By Statute every array in Assise ought to bee made foure dayes before, Br. tit. Panel, nū. 10. To challenge the array, Kit. 92.

Arraine.

ARraine, est a mitter un chose en order, ou en son lieu: Si come il est dit al arraine un briefe de Novel Disseisin en un

Arraine.

ARraine is to put a thing in order, or in his place: As hee is said to arraine an Assise of Novel Disseisin in a County in which it ought

ought to be brought for tryall before the Justices of that Circuit, Old N.B. fol. 109. And in such sense, M. Lit. hath used the same word. The Lessee arraigneth an Assise of Novel disseisin. Also a prisoner is said to be arraigned, when he is indicted and put to his trial.

Arrest.

Arrrest is when one is taken & restrained from his liberty. None shall be arrested for Debt, Trespasse, Detinue, or other cause of Action, but by vertue of a Precept or Commandement out of some Court. But for Treason, Felony, or breaking of the Peace, every man hath authority to arrest without Warrant or Precept. And where one shall be arrested for Felony, it behooveth that some Felony be done, and that he be suspected of the same Felony, or otherwise he may have against him that did so arrest him, a writ of false Imprisonment. And when any man shall be arrested for Felony, he shall be brought to the Gaole, there to abide untill the next Sessions for to be indicted, or for to be delivered by Proclamation.

Arrerages.

Arrerages are duties behind unpaid after the dayes and times in which they were due & ought to have been paid, whether they be rent of a Mannor, or any other thing reserved.

Arretted.

Arretted is he that is condemned before any Judge, and

coüty en q il devoit estre port pur triall, devât les Justices de cel circuit, Vet. N.B. fo. 109. Et en tiel sensé M. Lit. ad use mesme le pol. Le Lessee arraign un Assise de Novel disseisin. Auxy un prisoner est dit destre arraigne, qnt il est indict & mis a son trial.

Arrest.

Arrrest est quant un est pris & restraine a son liberry. Nul nerra arrest pur det, trespassse, detinue, ou auter cause de action, mes per vertue dun precept, ou commandement hors de asc' Court. Mes pur treason, felonie, ou debrufer del peace, chescun home ad auctoritie de arrester sans garantie ou precept. Et lou un nerra arrest pur felonie, il convient que ascun felonie soit fait, & que il soit suspect de m le felonie, ou autrement il poet au enus luy que issint luy arrest, un brieve de faux imprisonment. Et quaut ascun home est arrest pur felonie, il nerra amesne a le Gaile, la a demur' tanq; al pchein Session pur este indict, ou p este deliver per Proclamation.

Arrerages.

Arrerages sont duties arere nient pay apres le jours & temps en ql ils fueront dues, & doient auter estre payes, soyent ils rent de Manor, ou ascun auter chose reserve.

Arretted.

Arretted est cestuy que est appel devant asc' Judge, & charge.

The Exposition of

charge oue un crime. Ascun foits ceo est use pur impute ou laid unto, sicome nul folly pait estre arret a luy que est deins age, *Lit. Cap. Remit.* Cest parol poyt estre dit a vener del Latine parol *Rectus*, car Monsieur *bracton* ad cest phrase, *Ad rectum habere malefactorum*, issint que il poit estre charge & mis a son trial. Et en autre lieu il dit, *Rectatus de morte hominis.*

Assayer.

A Ssayer est un officer del Mint appoint p lestatute 2. H. 6. cap. 12. dec present al rescit del Bullion, cõe un party indifferent en le Master del Mint & le Merchant, pur determiner le veray value del bullion solonque le ley.

Assart.

A Ssart est un offence commit en le Forest per arrachant le boys que sont Thickets ou coverts del Forest, & p fea-fance de eux cy plaine come le terre arrable. Cest Assart del Forest est le plus grand offence ou trespasse de tous autres q puit estre fait en le Forest, al Vert ou Venison, conteignot en ceo Wast, ou puis: Car ou wast del Forest nest forsque le felling & succiding del covert boys q poet e temps recrescer; Un Assart est un attachment p le root, per q ils ne unques poient crescerare, *M. Manwood, part. 2. cap. 9. nu. 1.* Un brieve de *Ad quod*

charged with a Crime. Sometimes it is used for imputed or laid unto, as, no folly can be attested to him that is within age, *Lit. Cap. Remit.* This word may be said to come of the Latin word *Rectus*, for Master Bracton hath this phrase, *Ad rectum habere Malefactorem*, so that he may be charged and put to his trial. And in another place he saith, *Rectatus de morte hominis.*

Assayer.

A Ssayer is an officer of the Mint appointed by the Statute of 2. H. 6. cap. 12. to be present at the taking in of the Bullion, as a party indifferent between the Master of the Mint & the Merchant, to set the true value of the Bullion according to the law.

Assart.

A Ssart is an offence committed in the Forest, by pulling up by the roots the woods which are Thickets or coverts of the Forest, and by making of them as plain as the arrable land. This Assart of the Forest is the greatest offence or Trespasse of all others that can be done in the Forest, to Vert or Venison, containing in it Wast, or more: For where wast of the Forest is nothing but the felling and cutting downe of the covert wood, which may in time grow againe; an Assart is a pulling up by the root, by which they can never grow againe, Master Manwood, *part. 2. cap. 9. nu. 1.* A writ of *Ad quod*

quod damnum may be awarded, where a man will sue licence to assart his land within the Forest, and make it severall for Tillage, so that it is no offence if it be done by licence, Regist. orig. fol. 257.

damnum poit estre agard, ou un home voile sue pur un licence d'assart son terre deins le Forest, & faire c' severall p agriculture, issint que nest aucun offence sil soit fait per licence, Reg.orig. fol. 257.

Assets.

A Ssets is in two sorts, the one called, Assets p discent, the other, Assets enter maines: Assets per discent is where a man is bound in an Obligation, and dieth seised of lands in Fee-simple, which descend to his Heire, then his land shall bee called Assets, that is to say, enough or sufficient to pay the same debt, and by that means the heire shalbe charged as far as the Land so to him descended will stretch. But if he have aliened before the Obligation be put in suit, he is discharged.

Also when a man seised of lands in taile, or in the right of his wife, alieneth the same with warranty, & hath in value as much lands in Fee-simple, which descendeth to his heire, who is also heire in tail, or heire to the woman: Now if the heire, after the decease of his ancestor bying a writ of Formedon, or Sur cui in vita, for the land so aliened, then hee shall be barred, by reason of the warranty, and the land so descended, which is as much in value as that was sold, & so thereby hee hath receibed no prejudice: and therefore this land is called Assets per Discent.

Assets enter Maines is when a man indebted (as before is said) maketh executors, and leaveth to

Assets.

A Ssets est en deux sorts, l'un appel, Assets per discent, l'autre, Assets enter maines. Assets per discent est, lou un hœc est obligé en un Obligation, & morust seise de terres en Fee-simple, queux descend a sô heire, donques cest terre serra appel Assets, cest adire, sufficent de payer cest dette, & p cest meanes le heire serra charge cy avant q le terre issint a luy disced voil stretch: mes sil ad alien devât q l' obligation soit mise en suit, il est discharge.

Auxy quant un home seise de terre en Taile ou en droit de son feme, alien ceo oue Garranty, & ad e value tant Terre en Fee-simple, que descende a son heire, q est auxy heire en taile, ou heire al feme: Ore si le heire apres le mort son ancestor port un Briefe de Formedon, ou Sur cui in vita, pur le terre issint alien, dōques il serē barre, p reason dū garranty, & le terre issint disced, q est rāt e value come ceo q fuit vende, & issint per ceo il nad receive aucun prejudice: & pur ceo cest terr'est appel Assets per discent.

Assets enter Maines est, quant un home en det, come devât est dū, fait executors, & relinquist

The Exposition of

a eux sufficient de payer, ou aucun commodity ou profit est venus al eux en droit leur testatour, cest appel **Assets** en leur maines.

Assignee.

Assignee est celuy, a que un chose est appoint ou assigné deste occupy, pay, ou fait, & est tous foits tiel pson, q occupy ou ad le chose issint assignee en son droit demesne, & pur luy mesme: Et de Assignees il y sont 2. sorts; nosment, Assignee en Fait, & Assignee en Ley.

Assignee en Fait, est quaut un Lease est graunt al un & a ses Assignees, ou lās ceux pols, Assignees, & le grantee donc, graunt ou vende le dit Leas al auter, il est sō Assignee en fait. Assignee en ley est chescū executor nosme p le testator en sont testamēt: cōe si un Leas soit fait al un hōe & a ses Assignee (sicome est avantdit) & il fait ses executors, & morust sans assignement del Leas al aucun auter; Ore les executors avera mesme le Leas, pur ceo que ils sont ses Assignees en Ley. Et issint est en auters semblables cases.

Assise.

Assise est un Briefe, & gift ou aucun home est mis hors de son terre, ou tenemts, ou de aucun profit aprender en certain lieu, & issint disseise de son frāktenemēt. Frāktenemēt a ascū hōe, est lou il est seise de terres ou tenemts, ou profit a prēder

them sufficient to pay, or some commodity or profit is come unto them in right of their testatour, this is said **Assets** in their hands.

Assignee.

Assignee is he, to whom a thing is appointed or assigned to be occupied, paid, or done, and is alwayes such a person, which occupieth or hath the thing so assigned in his owne right, and for himselfe: And of Assignees there bee two sorts, namely, Assignee in Deed, and Assignee in Law.

Assignee in Deed, is when a Lease is granted to a man and to his assignees, or without those words assignees, and the grantee giveth, granteth, or selleth the same Lease to another, he is his Assignee indeed. Assignee in Law is every Executor named by the testator in his testament. As if a Lease bee made to a man and his Assignes (as is aforesaid) and he maketh his Executors, and dyeth without assignement of the Lease to any other; Now the executors shall have the same Lease, because they are his assignees in Law: And so it is in other cases.

Assise.

Assise is a writ, and it lyeth where any man is put out of his lands, tenements, or of any profit to be taken in a certaine place, and so disseised of his freehold. Freehold to any man, is where hee is seised of lands and tenements, or profit to be taken in

in Fee-simple, Fee-taile, for terme of his owne life, or for terme of another mans life. But the tenant by Elegit, tenant by Statute Merchant, & Statute Staple may have Wille, howbeit that they have no freehold, and this is ordained by divers Statutes.

Also in an Wille it is needfull alwayes that there be one disseisor and one tenant, or otherwise the writ shall abate.

Also where a man is disseised, and recovereth by Wille of Novel Disseisin, and after ward is again disseised by the same Disseisor, he shall have against him a writ of Redisseisin directed to the Sherife to make inquisition, and if the redisseisin be found, he shall be sent to prison. Also if one recover by Wille of Mortdauncester, or by other Jury or default, or by reddition, and if he be another time disseised, then hee shall have a writ of Post disseisin, and he which is taken and imprisoned for redisseisin, shall not be deliuered without speciall commandement of the King. See the Statutes thereof, Merton cap. 3. Marlebridge cap. 8. & Westm. 2. cap. 26. There is also another Wille, called Wille of Fresh Force, and lyeth where a Man is disseised of tenements which are diuiseable, as in the City of London, or other Boroughs or Townes that be franchises, then the Defendant shall come into the Court of the said Towne, & enter his plaint, and shall haue a writ directed to the Maior, or Bailifes, &c. and thereupon shall passe a Jury in

in Fee-simple, Fee-taile, pur terme de so vie demesne, ou pur terme d'auter vie. Mes tenant p Elegit, tenant p Stat. Merchant & Statute Staple poyent auer Assise, comt que ils nont Franktenement, & ceo est ordaine per divers Statutes.

Auxy en Assise il covient tous foits que il soit un Disseisor & un Tenaunt, ou autrement le Brieve abatera.

Auxy ou un hōe est disseise, & recouera p Assise de Novel Disseisin, & puis est auter foits disseise p mesme le Disseisor, il avera vers luy un Brieve de Redisseisin directe al Viscōt de faire inquisition, & si troue soit le Redisseisin, il serra mis en prison. Auxy si hōe recouera p Assise de Mortdauncester, ou p auter Jury, ou per default, ou reddition, & sil soit auter foits disseise, il avera donques un Brieve de Post disseisin, & cestuy q est pris & imprison pur redisseisin, ne serā deliuer sans especiall commandemēt le Roy. Vide les Estatutes inde Merton cap. 3. Marlebridge, cap. 8. & West. 2. cap. 26. Auxy il est un auter Assise de Fresh Force, & gist lou hōe est disseise de Tenemts queux sont devisables, come en le City de Londres, ou auter Boroughs ou Villes que sont Enfranchises, donqs le Defendant viendra en le Court del dit Ville, & entra son plaint, & avera un Brieve direct al Maior, ou Bailifes, & sur ceo passera un Jury en manner de Assise de

The Exposition of

de Novel Disseisin. Mes il covient que il enter son pleint deins quadragint jours, ut dicitur, ou autrement il serra misse a le common Ley. Et si les Ministers delay execution, donques le plaintife avera un auter brieve daver execution, & *Sicut alias*, & un *Pluries*, &c. Vide Littleton cap. Rents, Affise est nosine equivocum, &c.

Affise de darreine
presentment.

Affise de darreine presentment. Vide de ceo apres title *Quare impedit*.

Affise de Mortdancester.

Affise de Mortdancester. Vide ceo apres titulo *Cofinage*.

Association.

Association est un Parét mis p le Roy, ou de son motion demesne, ou al suit del partie plaintife, al Justices de Affise pur aver auters psons associes al eux de prender le Affise: Et sur ceo parent de associati-on, le Roy mandera son Brieve as Justices daffise, eux commandant per icel de eux admitter que sont issint mis.

Si le Roy fait trois Justices de affise, & puis l'un de ceux devie, ore le Roy poir faire un patent a un auter dassociation, de associer luy a les deux, en lieu de cestuy que est mort, & un Brieve, que serra close, direct a les deux Justices que sont en vie, de luy admitter, *Fit. N. B. 185.*

manner of Affise of Novel Disseisin. But it behooveth that he doe enter his plaint within forty dayes, as it is said, or otherwise he shall be sent to the Common Law. And if the Officers delay the execution, then the plaintife shall have another writ to have execution, and a *Sicut alias*, and a *Pluries*, &c. See Lit. cap. Rents, Affise is a word of two significations, &c.

Affise de darreine
presentment.

Affise de darreine presentment. Looke theredf in the title *Quare impedit*.

Affise de Mortdancester.

Affise de Mortdancester. Looke theredf in the title *Cofinage*.

Association.

Association is a Patent sent by the King, either of his owne motion, or at the suit of the Party Plaintiffe, to the Justices of Affise, to have other persons associated to them to take the affise: And upon this patent of association, the King will send his writ to the Justices of affise, by it commanding them to admit them that are so sent.

If the King makes three Justices of affise, and afterwards one of them dyes, there the King may make a patent to another of association, to associate him to the two, in place of him that is dead, and a writ, which shall be close, directed to the two Justices that are alive, to admit him. *Fit. N. B. 185.*

Affoile.

Affoile.

A Sfoile comes either from the Latine, *Absolvere*, or from the French *Abouldre*, & signifies to deliver or discharge a man of an excommunication, and so it is used by Stamford, in his Pleas of the Crowne, the second booke the 18. chap. fol. 71. B.

Affoile.

A Sfoile venust ou del Latine, *Absolvere*, ou le Francois, *Abouldre*, & signifie pur baile ou discharge ascun del excommunication, & issint est use per Stamford, pleas del Coron. lib. 2. cap. 18. fol. 71. B.

Assumpfit.

A Sumpfit is a voluntary promise made by word, by which a man assumeth and taketh upon him to performe or pay any thing to another. This word containeth in it any verball promise made upon consideration, which the Civilians expresse by many words, according to the nature of the promise; calling it sometime, *Pactum*, *Promissionem*, other times, *Sponsionem*, *Pollicitationem*, or *Constitutum*.

Assumpfit.

A Sumpfit est un voluntary promise fait p parol, p que home assume ou prist sur luy a pformer ou payer ascun chose al auter. Cest parol contene en ycel ascun verball promise fait sur consideration, que les Civilians expresse p plusieurs parols accordant al nature del promise; ceo appellant ascun foits, *Pactum*, *Promissionem*, auter foits, *Sponsionem*, *Pollicitationem*, ou *Constitutum*.

Attach.

A Ttach is a taking or apprehending by command or writ. There are some differences betwene an arrest and an attachment, for an arrest proceedeth forth out of the inferiour Courts by Precept, and attachment, out of the superiour Courts by precept or writ. Lam. Eiren. lib. 1. ca. 16. Also an arrest lyeth onely upon the body of a man, where an attachment is sometimes upon the goods onely, as M. Kitch. fol. 279. b. saith, that a man may attach a Cow, and in another case, that a man may be attached by an 100. Sheep; And it is

Attach.

A Ttach est un prisure ou apprehending p command ou Briefe. La sont ascuns differences perenter un arrest & un attachmt, car un arrest procede hors del inferiour Courts per Precept, & attachment hors del superiour Courts p precept ou Briefe, Lamb. Eiren lib. 1. cap. 16. Auxy un arrest gist solement sur le corps d'un hœ, ou un Attachmt est ascun foits sur ses biens solemt, cœ Monsieur Kit. fol. 279. b. dit, que home poit attach un vache, & en auter lieu, que home poit estre attach p 100. barbits: Et il

The Exposition of

il est aucun foits agard sur le corps & biens ensemble al un & mesme le réps.

Attachment differet a un Capias, car Monsieur Kit. fol. 79. b. ad ceux parols, Nota que en Court Baron home serra attach per biens, & ne issira Capias la: Per que il semble que attachment est pluis general, extendant al prisure des biens, ou Capias extende al prisure del corps solement.

Auxy un attachment differt a un distresse, & ceo appiert per Kit. fol. 78. a. ou il dit, Proccesse en Court Baron est Summons, Attachment, & Distresse, que sont Proces al Common Ley.

La est auxy un Attachmt de Priviledge, & ceo est en deux manners, ou donât poyer dapprehender un home en un lieu privilege, ou p vertue dun Office & privilege, come de appeller un auter a cel court a q il mesme est Attendât, & en respect de quel il est privilege, Novel liver Dentries, f. 431. a.

Et la est un Proccesse appel Forreine Attachment, que est use al attacher les Biens del Forreiners troye deins aucun Libertie ou Citie, par un det due al partie mesm. Et p le custom dascis lieux, hœ poit attache Biens en les maines dun Estrâger: Cœ si A. devoit al B. 10 livers, & C. devoit al A. un auter somme d'argent, B. poit attacher les biens de A. en les maines de C. a luy satisfaire ou

warded upon the body and goods together at one and the same time.

Attachment differeth from a Capias, for W. Kit. fol. 79. b. hath these words, Note that in a Court Baron a man shall be attached by goods, and a Capias shall not go out thence: By which it seemeth, that Attachment is more general, extending to the taking of goods, where a Capias extends to the taking of the body onely.

Also an Attachment differeth from a Distresse, and this appeareth by Kit. fol. 78. a. where he saith, Proccesse in Court Baron, is Summons, Attachment, and Distresse, which are Proccesse at the Common Law.

There is also an Attachment of Priviledge, and this is twofold, either giving power to apprehend a man in a place privileged, or by vertue of an Office or privilege, as to call another to that Court to which he himselfe belongeth, and in respect of which he is privileged, New. book of Entries, fol. 431. a.

And there is a Proccesse called a Forreine Attachment, which is used to attach the goods of Forreiners found within any Liberty or City, for a debt due to the party himselfe. And by the custom of some places, a man may attache goods in the hands of a stranger, as if A. oweth to B. ten pounds, and C. owe h A. another summe of money, B. may attache the goods of A. in the hands of C. to satisfy himselfe

selfe in part or all, as the debt is.

Also there is attachment of the Forest, which is a Court there held every fourty dayes throughout the year: In which the Verderors have not any authority but to receive and inroll the Attachment of offenders against Vert and Venison, taken by the other Officers, that they may be presented at the next Justice seat in Eyre, M. Manwood part .i. pag.93. cap.22.

Attainder.

A Trainder is a conviction of any person of a crime or fault whereof he was not convicted before: As if a man have committed felony, Treason, or such like, and thereof is convicted, arraigned, and found guilty, and hath judgement, then he is said to be attainted: and this may be two wayes, the one upon apparance, the other upon default: the attainder upon apparance is by confession, battell, or verdict: the attainder upon default is by process, untill he be outlawed.

Attaint.

A Traint is a Writ, and lyeth where false Verdict is given by twelbe men, and judgement given thereon, that the party against whom they have passed, shall have a writ against the 12. men, and when they be at Issue it shall be tryed by 24. Jurors, and if the false Verdict be found, the twelbe men be attaint, and then the judgement shall be, That their Medowes shall be eyed,

en part, oué tout, cõe leder est.

Auxy la est Attachermt del Forest, q̄ est un Court la tenus chescun 40. iours per tout le an: En q̄ le Verderors nont ascũ authority forsque de recevoir & inroller les attachmts del 'offendours' encounter Vert & Venison prise per les autres Officers, que ils poient estre present al prochein Justice seat en Eyre, M. Manwood, part.i. pag.93. cap.22.

Attainder.

A Trainder est un conviction dascun pson dun crime ou fault, dont il ne fuit convict devant: sicome un home fait Felony, Treason, ou tiels semblables, & de ceo est indict, arraigne, & trove guilty, & ad judgement, donques il est dit de ste attaint, & ceo poet este deux voyes, l'un sur apparace, le autre sur default: le attainder sur apparance, est p confession, battell, ou verdict: le attainder sur default est per processe tanque il soit utlage.

Attaint.

A Traint est un briefe, & gist lou faux Verdict est done per douze homes, & judgement done sur ceo, donques le partie vers que ils avoient pas, avera cest Briefe vers les douze homes, & quant ils sent a issue, il serra trie per vint quater Jurors, & si faux verdict soit trove, les douze Jurors sont attaint, & donques le judgement serra, Que leur prees seront

The Exposition of

serrent eyrs, lour meafons debrufes, lour boies subvertes, & tous les terres & tenemens forfeit al Roy: mes sil passa encounter celuy que port cest attainr, il serra imprison, & grievoufment ranfome al volunt le Roy. Vide le Statute 23. Hen.8. cap.3. Attainr auxy est quant judgement est done en Treason ou Felony.

Attendant.

Attendant est ou un doyt un duty ou service al auter, ou come il fuit depend sur auter: Come si la soyt Seignior, Mesne, & Tenant, le Tenant tient del Mesne per un denier, le Mesne tient ouster per deux deniers; le mesne release al Tenant tout le droit que il ad en le terre, & le Tenant morust, sa feme serra endow del terre, & el serra attendant al heire del tierce pt dun denier, & nemy del tierce pt del deux deniers, car el serra endowe del mieux possession de sa baron. Auxy ou le Feme est endow p le gardian, el serra attendant al gardian, & al heire a son plein age.

Attorney.

Attorney, est un designe per auter home, a faire aucun chose en son lieu: Et Mounfieur *west* luy issint ad define: Attorneyes sont tiels persons que per consent, commandemr, ou request, caveont, vieront al, & prendront sur eux le charge de besoignes de auters hoës en

their houses broken downe, their woods turned up, and all their lands and tenements forfeited to the King: but if it passe against him that brought that attainr, he shall bee imprisoned, and grievously ransomed at the Kings will. See the Statute 23. H.8. cap. 3. Attainr also is when judgement is given in Treason or Felony.

Attendant.

Attendant is where one oweth a duty or service to another, or as it were dependeth upon another: As if there be Lord, Mesne, & Tenant, the Tenant holds of the Mesne by a peny, the Mesne holdeth over by two pence, the Mesne releaseth to the Tenant all the right which he hath in the land, and the Tenant dyeth, his wife shall be endowed of the land, and shee shall be attendant to the heire of the third part of 1. d. and not of the third part of 2. d. for shee shall be endowed of the best Possession of her husband. Also where the wife is endowed by the Gardian, shee shall be attendant to the Gardian, and to the heire at his full age.

Attorney.

Attorney, is one appointed by another man to doe something in his stead. And Mr. West hath defined him thus: Attorneyes be such persons, as by consent, commandement, or request, take heed, see to, and take upon them the charge of the business of other men in their absence, by whom they

they are commanded or requested.

And, where it seemes, that in ancient time those of authority in Courts have had it in their dispose, when they would permit men to appeare or sue by any other than themselves, as appeareth by F. N. B. 25. in the writ of *Dedimus potestatem de attornato faciendo*, where it is shewed, that men were desired to procure the writs or Letters Patents of the King, to appoint Attornies for them; It is now provided by divers Statutes, that it shall be lawfull so to doe, without any such circuit. And there is great diversitie of writs in the Table of the Register, by which the King commands his Judges to admit of Attornies.

By which meanes, at last there were so many unskilfull Attornies, and so many mischiefs by them, that an Act was, 4. H. 4. cap. 18. ordained for their restraint, that the Justices should examine them, and put out the unskilfull. And Anno 33. H. 6. cap. 7. That there should be but a certaine number of them in Northfolke and Suffolke.

In what cases a man at this day may have an Attorney, and in what not, see F. N. B. in the place before recited.

Attorney is either generall or speciall: Attorney generall is he that is appointed to all our affairs or suits, as the Attorney generall of the King, Attorney generall of the Duke, Crompton.

leur absence, par queux ils sont command ou request.

Et, ou il semble q en ancien temps ceux de authority en Courts ont aver ceo en leur arbitrement, ou ils voilont permettre homes de appareer ou fuer par ascū autre que eux mesmes, come appiert per *Fitzherbert Nat. Bre. 25.* en le brieve de *Dedimus potestatem, de attornato faciendo*, ou il est monstre, Que homes fuer chascun a procurer les Briefes ou Letters Patens del Roy al appointer Attornies par eux: il est ore provide par divers Stat. q il sera loial issint a faire sans ascū tiel circuit. Et la est grand diversitie de brieses en le table del Register, par que le Roy command ces Judges al admettre de Attornies.

Per quel meanes al darreine la fueront cy plusors imperite Attornies, & cy plusors mischiefs par eux, que un Act fuist 4. H. 4. cap. 18. ordeigne par leur restraint, que les Justices examineront eux, & mitteront hors le imperities. Et An. 33. H. 6. cap. 7. Que la ne serront mes un certaine number de eux en Northfolke & Southfolke.

En queux cases home a cest jour port aver un Attorney, & en queux nemy, vies F. N. B. en le lieu devant recite.

Attorney est ou generall ou speciall: Attorney generall est cestuy que est designe a tous nostre affaires ou suits, cōc le Attorney generall del Roy, Attorney generall del Duke, Crompton.

The Exposition of

Crompt. 105, Atturney special ou particular, est cestuy q̄ est imploy en un ou plusors choses particularm̄t specifies. Atturneys generall sont faits deux voyes, ou p̄ les Let̄s Pat̄els del Roy faits devāt luy ou l'chac̄, ou p̄ nostre appointm̄t devant Just. en Eyre en overt Court. Vies Glanu. l. 11. c. 1. Brit. 126.

Attournement.

ATtournement est quāt un est Tenāt pur terme de vie, & cestuy en le reversion ou remainder granta son droyt ou estate a un aũ, donques il convient q̄ le Tenant p̄ terme de vie agree a ceo, & cest agreem̄t est appel Attournem̄t, car si cestuy en le reversion graunt son estate & s̄o droit a un aũ, si le Tenant p̄ terme de vie ne attourna riens pas p̄ le Grant.

Mes sil soit graunt per fine en Court de Record, il serra compell de attourne. Et vide de ceo apres, titulo *Quid juris clamat*. Vide pluis de ceo, Littlet. lib. 3. cap. 10.

Audita querela.

Audita querela, est un Briefe, & gist lou un est oblige en un Estatute Merchant, Estatute Staple, ou recognisance, ou lou judgem̄t est donie vers luy pur dette, & son corps en execution sur ceo, donques sil ad un Releas, ou aũ sufficient matter deste discharge del Executiō, mes nad jour ē court d̄ ceo pleader, dōques il avera cest briefe vers cestuy q̄ ad recover, ou vers ses Executors.

Atturney speciall or particular, is he that is imployed in one or moze things particularly specified. Atturneys generall are made two wayes, either by the Kings Letters Patents made befoze him or the Chancelor, or by our owne appointment, befoze Justices in Eyre in open Court. See Glanv. lib. 11. cap. 1. Brit. 126.

Attournement.

ATtournement is when one is Tenant for terme of life, and he in reversion and remainder grants his right or estate to another, then it behoveth the Tenant for terme of life to agree thereto, and this agreement is called an Attournement, for if he in the reversion grant his estate and right to another, if the Tenant for terme of life attorne not, nothing passeth by the grant.

But if it be granted by fine in Court of Record, he shall be compelled to attorne. And look thereof after, Title *Quid juris clamat*. Look moze of this Title in Littlet. lib. 3. cap. 10.

Audita querela.

Audita querela is a writ, and it lyeth where one is bound in a Stat. Merchant, Stat. Staple, or Recognisance, or where judgement is given against him for Debt, and his body in execution thereupon, then if he have a Release, or other matter sufficient to be discharged of execution, but hath no day in Court there to plead it, then he shall have this writ against him which hath recovered, or against his Executors.

Awme.

Awme.

Awme or Aulne is a vessel that containes fourty Gallons of Reinish Wine, and it is mentioned in the Statute made 1. Jac. cap. 33.

Averment.

Averment is where a man pleadeth a plea in abatement of the writ, or barre of the action, which he saith he is ready to prove as the Court will award. This offer to prove his Plea, is called an Averment.

Average.

Average is that service which the tenant owes his Lord, to be done by the beasts of the tenant, and it seemes to be deribed from the word (Averia) because it is the service which the tenants beasts performe for the Lord by carriage or otherwise: This word aliohath another signification, and is much used in the Stat. 32. H. 8. c. 14. for a certain contribution, which Merchants and other pay proportionably towards their losses, that have their goods cast out in a tempest for the saving of the ship or of the goods or lives of them that are in the ship.

Averpenny.

Averpenny, that is, to be quit of divers summes of money for the Kings arrerages.

Augmentation.

Augmentation was the name of a Court erected in the 7. year

Awme.

AWme ou Aulne est un vessel que containe quarante Broches de vine Reinish, & est mention en lestatute fait 1. Jac. cap. 33.

Averment.

Averment est lou un home plead un plea en abatement del briefe, ou barf d action, que il dist est prift de prover come le court voit agard, Cest offer de prover son plea, cest appel un Averment.

Average.

Average est le service que le tenant doit a son Sñr dce fait per les avers le tenant, & semble destre derive del paroll (Averia) pur ceo que est le service que les avers le tenant pforme p le Seignior p cariage ou autrement. Auxy c'paroll ad un autre signification, & est mult use en lestatute 32. H. 8. cap. 14. pur un certaine contribution, que Merchants & auters payont proportionalmēt pur les pdes d'eux q ont lour biens eieets en un tempest p le safeguard del neife, ou des biens & vifes d'eux que sont en le neife.

Averpenny.

AVerpenny, hoc est, quietum esse de diversis denariis pro averagiis Domini Regis.

Augmentation.

Augmentation fuit le nomme d'un Court erect en le vint
F sept

The Exposition of

sept anne del Roy Henty le huit. Et le cause de ceo fuit, q le Roy puit estre voyermt ule touchât les profits de tiels religious meafos & lour Terres, q fueront done a luy p Act de Parliament, mefine l'an, nient imprimee. Pur le dissolving de quel Court, la fuit un Act fait en le Parliament, tenus en le primer anne del Reygne del Roigne Mar. Sess. 2. ca. 10. que el puis mis en execution p sa Letters Patents. Le nosme del Court surde de ceo, Que les revenues del Corone fueront tât augment p le suppression des dit Meafons, quaut le Roy reserve al Corone, & nient done ou vend al auôs. Mes le Office de Augmentation remaine a cest iour, en que la font plusors Records de grâd use & importance.

Aumone.

Aumone ou Tenure en aumone, est tenure p divine service, car issint Brit. dit. fol. 164. Tenure en Aumone, est terre ou tenement que est done a aumone, dont ascû service est retinue al feoffor ou donoz.

Ancient demesne.

ANcient demesne sôt certain Tenures tenus de ceux Mannours queux fueront en maines de Saint Edward le Confessor, & les queux il fist escrire en un Liure appel Doomes-day, sub titulo Regis, & tous les Terres tenus del dit Mannours, sont Auncient De-

of King Henry the eighth. And the cause thereof was, that the King might be justly used touching the profits of such religious Houses, and their Lands, as were given unto him by Act of Parliament the same year, not printed. For the dissolving of which Court, there was an Act made in the Parliament, held in the 1. year of the Reigne of M. Mary Sess. 2. cap. 10. which he afterward put in execution by her Letters Patents. The name of the Court ariseth from this, that the revenues of the Crowne were so much augmented by the suppression of the said Houses, as the King reserved to the Crowne, and neither gave nor sold to others. But the Office of Augmentation remaines to this day, wherein there are many Records of great use and importance.

Aumone.

Aumone or Tenure in aumone, is tenure by divine service, for so sayes Briton, fo. 164. Tenure in Aumone, is Land or tenements, which is given for aimes, whereof some service is reserved to the feoffor or donoz.

Ancient demesne.

ANcient Demesne are certaine Tenures holden of those Mannours that were in the hands of Saint Edward the Confessor, and the which he made to be written in a Book called Doomes-day, sub titulo Regis, and all the Lands holden of the said Mannours. be
ancient

ancient demefne, and the tenants
 ſhall not be impleaded out of the
 ſaid Mannours, and if they be,
 they may ſhew the matter, and a-
 bate the writ: but if they answer
 to the writ, and Judgement be
 given, then the Lands become
 frank-fee for ever. Also the
 Tenants in ancient demefne
 be free of toll for all things
 concerning their ſuſtenance and
 Husbandry in ancient Demefne,
 and for ſuch Lands they
 ſhall not be put or empan-
 nelled upon any Enqueſt. But
 all the Lands in ancient De-
 meſne that are in the Kings
 hands, be frank-fee, and pleada-
 ble at the Common Law. See
 more after in the title Sokmans.

meſne, & les Tenâts ne ſerront
 impleade hors del dit Man-
 nours, & ſils ſoyent, ils poyent
 monſtre le Marſ, & abatera le
 Briefe: mes ſils reſponder al
 Briefe, & plead, & judgement
 done, donques les Terres ſont
 devenus Frank-fee a tous
 iours. Auxy tous tenâts é an-
 cient Demefne ſont franke de
 tolle pur tous choſes concer-
 nôt leur viâd & Huſbâdrie en
 ancient Demefne, & pur tiels
 Terres ils ne ſerrôt mis ne em-
 panel ſur aucun Enqueſt. Mès
 tous les Ter en ancient De-
 meſne queux ſôt en maines le
 Roy, ſont frank-fee, & pleada-
 ble al Common Ley. Veies
 plus apres en le Title Sokmans.

Avoir de pois.

Avoir de pois, is as much as to
 ſay, true or juſt weight: And
 it ſignifies in our Law two
 things, firſt a kinde of weight
 differs from that that is called
 Troy weight, which hath but
 12. ounces to the pound, where
 the Avoir de pois hath 16. And
 ſecondly it ſignifies ſuch Mer-
 chandizes, as are weighed by
 this weight, and not by Troy
 weight. As it is to ſee in the
 Statute of Yorke, 9. E. 3. & 27.
 E. 3. ca. 10. Stat. 2. And the Sta-
 tute of Gloſter, 2. R. 2. cap. 1.

Auncell weight.

Auncell weight was an an-
 cient manner of weighing in
 England, by the hanging of Bal-
 lances or hookes at each end of
 a Gaſſe, the which the party
 liſted up upon his finger, or with

Avoir de pois.

Avoir de pois, eſt tantadire
 comé, veri ſive juſti ponde-
 ris: Et ſignifie en nre ley deux
 choſes, premiermt un kinde de
 pois different de ceo que eſt
 appel Troy weight, que nad
 forſque 12. ounces al liver, lou
 le Avoir de pois conténe 16.
 Et ſecondement ſignifie tiel
 marchandizes, qux ſont poiſes
 p c' weight, & néy p Troy
 weight. Come eſt a veier en
 leſtatute de Yorke, 9. E. 3. &
 27. E. 3. Stat. 2. cap. 10. Et leſta-
 tute de Gloſter, 2. R. 2. cap. 1.

Auncell weight.

Auncel weight fut un anciê
 manner de poiſer en An-
 gleterre, p le pender des ba-
 lances ou hookes al cheſcun
 ſine dun Baſton, le quel le par-
 ty elevate ſur ſon digit, ou ove

The Exposition of

sa maine, & issint discerne le equality & difference des choses q̄ fueront poises. Mes c' weight esteant subject al mult deceit, divers Statutes fueront faits que ceo ouster, come lestatut 25. E.3. cap.9. & 34. E.3. cap.5. & 8. H.6. cap 5. & auters. Et fuit appel Auncell weight, quasi Hand-sale weight.

his hand, and so discerned the equality or difference of the things that were weighed. But this weight being subject to much deceit, many Statutes were made to out it, as the Statutes of 25. E.3. cap.9. & 34. E.3. cap.5. & 8. H.6. cap 5. and others. And it was called Auncell weight, as much as to say Hand-sale weight.

Avowrie.

AVowrie est lou un prist distresse pur Rent ou auter chose, & lauter sua Replevin, donques celuy que avoit ceo prise, justifiera en son Plea, pur quel cause il prist ceo, & si il prist ceo en son droit demesne, il doit ceo monstr', & issint avow a le prisel, & ceo est appel son Avowrie. Mes sil ceo prist en ou pur le droit de un auter, donques quant il avoit monstre le cause, il fera Conufance del prisel, come Baylife ou servant a celuy en que droit il prist ceo.

Avowrie.

AVowrie is where one taketh a distresse for Rent or other thing, and the other sueth Replevin, then hee that hath taken it shall justifie in his Plea, for what cause he took it: and if he took it in his owne right, hee ought to shew that, and so avow the taking, and that is called his Avowry: but if he took it in or for the right of another, then when he hath shewed the cause, hee shall make Conufance of the taking, as Baylife or servant to him in whose right hee did take it.

B.

Badger.

BAdger est tant adire cōe Bagger, d'l Frācois parol, Bagage, id est, Sarcina: Et est use oue nous pur un que est licence de acheter Corne ou auters victuals en un lieu, & de eux transporter al auter, & tiel home est exempt en le statute fait Anno 5. & 6. E. 6.

B.

Badger.

BAdger is as much as to say, Bagger of the French word, Baggage, id est, sarcina: & it is used with us for one that is licensed to buy Corn or other victuals in one place, & carry them to another, and such a one is exempted in the Statute made in the 5. and 6. yeare of E. 6. cap. 14. from the

the punishment of an Ingrosser
within that Statute.

cap. 14. del punishment dun
Ingrosser deins ceo Statute.

Baile.

Baile.

BAile is when a man is taken
or arrested for felony, suspiti-
on of felony, indicted of felony,
or any such case, so that he is re-
strained of his liberty. And being
by Law bailleable, offereth surety
to those which have authority to
baile him, which Sureties are
bound for him to the Kings use
in a certaine summe of money, or
body for body, that he shall ap-
peare before the Justices of
Gaole-delivery, at the next Ses-
sions, &c. Then upon the Bonds
of these Sureties, as is aforesaid,
he is bailed, that is to say, set at
liberty, untill the day appointed
for his appearance.

Master Manwood part. 1. of his
Forest Law, p. 167. maketh a great
differece between Baile & Main-
prise, in these words. And note,
that there is a great diversity be-
twene Baile and Mainprise,
for he that is Mainprised is
alwayes said to be at large, and
to goe at his owne liberty out of
ward, after he is put to Main-
prise untill the day of his appea-
rance, by reason of common
Summons, or otherwise. But
it is not so where a man is put
to Bayle by four or two men,
by the Lord chiefe Justice in
Cheire of the forest untill a cer-
taine day: for there he is al-
wayes accounted by the Law
to be in their ward and custo-
dy for the time: and they may
if they will, hold him in ward

BAile est quāt un hōe est prise
ou arrest pur Felony, suspi-
tiō de Felony, indictē de Felo-
ny, ou ascū tiel case, issint que
il est restraine de son libertie.
Et esteant p le ley baylable,
offera surety al eux que ont
aucthority de luy bailer, queux
Sureties sont oblige pur luy
al use le Roy, en certaine sum
dargent, ou corps pur corps,
q il appiera devant les Justices
de Gaole-delivery al prochein
Sessions, &c. Donques sur les
bonds de ceux sureties, (come
est avantdit) il est baile, cest a
dire, mis al liberty tanque le
jour appoint p son apparance.

Mounseigneur Manwood en le
primer part de son Forest Ley,
pag. 167. fait un grand diffe-
rence perenē Bayle & Main-
prise, en ceux pols: Et nota,
q la est un grand diversitie pe-
renner Baile & Mainprise, car
cesty q est Mainprise, est tous
foits dit destre a large & daler
a son liberty demesne hors de
gard, puis q il est mis al main-
prise jescq; le jour de sō appea-
rance, p reason de cōmon sum-
mons ou autermt. Mes nest is-
sint ou hōe est mis al baile per
quāt hōes, p le Seignior chiefe
Justice en Eyre del Forest, jesc-
que un certaine jour: Car la il
est tous foits account p le ley
destre en lour gard & custodie
pur le temps: & ils poient sils
voilōt, tener luy en gard ou en
prison,

The Exposition of

prison, au c' temps ou autermit
a lour volunt : Il sint q il que
est baile, ne serra dit per le ley
destre a large ou a son liber-
ty demesne.

Bailement.

Bailement est un delivery
de choses, soyent ils de es-
cripts, biens, ou stufte al auter,
ascun foits destre redeliver
arrere al baylor, cest adire,
al celuy que il sint deliver
ceo, ascun foits al use del bai-
lee, cest adire, de luy a que
il est deliver, & ascun foits
auxy il est deliver a un tierce
person, cest delivery est appel
un Bailement.

Baylife.

Baylife est un Officer que
appertient a un Manor, pur
order le Husbandrie, & ad au-
thority de payer quit Rents
iluant hors del Manor, succi-
der arbres, repair les measons,
faire pales, haies, distraine
auers damage fesant sur le
terre, & divers tiels semblables.
Cest Officer est celuy que les
ancient Saxons ont appel un
Reeve, car le nosme Baylife ne
fuit d'òques conus eẽ eux, mes
viẽt eins ove les Normãs, &
est appel en Latine *Villicus*.

Et la sons deux auters sorts
de Baylifes, cest adire, Bay-
lifes errãt & Baylifes de Frã-
chises; Baylifes Errant sont ils
q le Vicont fait & designe da-
ler environ le County a exe-
cuter Briefes, a summoner le
County, Sessions, Assises, &

or in prison, till that time, or
otherwise at their will: so that
he that is bayled. shall not be
said by the Law to be at large or
at his owne liberty.

Bailement.

Bailement is a delivery of
things, whether it be of wri-
tings, goods, or stufte to ano-
ther, sometimes to be delivered
backe to the baylor, that is to say,
to him that so delivered it, some-
times to the use of the Baylee,
that is to say, of him to whom it
is delivered, and sometimes also
it is delivered to a third person,
this delivery is called a Baile-
ment,

Baylife.

Baylife is an Officer that be-
longeth to a Manor, to order
the Husbandrie, and hath au-
thority to pay quit Rents il-
luing out of the Manor, fell trees,
repair houses, make pales, hed-
ges, distraine beasts doing hurt
upon the ground, and divers such
like. This Officer is he whom
the ancient Saxons called a
Reeve, for the name Baylife
was not then knowne amongst
them, but came in with the
Normans, and is called in La-
tine *Villicus*.

And there are two other sorts
of Baylifes, that is to say Bay-
lifes Errant and Baylifes of Frã-
chises. Baylifes Errant are
those that the Sheriffe maketh
and appointeth to go about the
County to execute writs, to sum-
mon the county, Sessions, assises
and

and such like Bayliffes of Franchises, are those that are appointed by every Lord within his liberty to doe such Offices within his Precincts, as the Bayliffe Errant doth abroad in the County. This Bayliffe distraineth for amerçiements in Courts held within the Manour of which he is Bayliffe. But if such Court is by prescription to be held within one moneth after a feast, and the Steward holds it after the moneth, and in this Court asseleth a fine or amerçiament, and the Bayliffe distraines for it, the party that is so distrained, may have an action of Trespasse against the Bayliffe.

Backberind theefe.

Backberind theefe is a theefe that is taken with the manner, that is to say, having that found upon him (being folloved with the hue and cry) which he hath stolen, whether it be money, linnen, woollen, or other stuffe: but it is most properly said, when he is taken carrying those things that he hath stolen, in a bundell or fardell upon his back.

Master Manwood in the second part of his Forest Law, noteth this for one of the circumstances or cases, in which a Forrester may arrest the body of any offender against Vert or Venison in the Forest; which are Dog-draw, Stable-stand, Backberind, and Bloudy-hand.

Bankrupt.

Bankrupt, by the statute 1. Jac. Regis c. 15. is thus described;

tiels semblables. Bayliffes de Franchises sont tiels que sont designe per chescun Seignior deins son liberty a faire tiels Offices deins son Precincts, q le Bayliffe errant fait a large in le County. Cest Bayliffe distrain pur amerçiement assele en les Courts tenus deins le Mannor de que il est Bayliffe. Mes si tiel Court est per prescription destre tenus deins un mois apres un feast, & le seneschall tient ceo apres le mois, & en ceo Court assele un fine ou amerçiament, & l'bayliffe distrein pur ceo, le pry q est issint distrein puit aver un action d' trespasse vers le Bailiffe.

Backberind theefe.

Backberind theefe est un laron q est prise oue le man, cest adire, aiant ceo troue sur luy (esteant pursue oue le hue & cry) le quel il ad emblee, soit il money, linnen, woollen, ou auter stuffe: mes il est pluis prompt dit, quant il est prise portant tielx choses que il ad emblee en un bundel ou fardel sur son dorse.

Mounseieur Manwood en le second part de son Forest Ley, ceo note per un des quat circumstances ou cases, en que un Forrester poit arrest le corps de ascun offender encoun Vert ou Venison en l' Forreft, queux sont Dog-draw, Stable-stand, Backberind, & Bloudy-hand.

Bankrupt.

Bankrupt, p le Statute 1. Jac. Regis c. 15. est issint describe;

The Exposition of

trouts & chescū tiel pson & p-
sons, usât, ou q̄ useroit le trade
de merchandise, p voye dex-
change, bartrie, chevisance,
ou autrement en grosse, ou per-
queront son, sa, ou lour trade
de viuer, p emptiō ou venditiō,
& esteāt un subiect nec de cest
Realm, ou ascū des dominions
del Roy, ou denizen, q̄ al as-
cū tēps citra le primer jour de
cest p̄sēt plaīnt, ou al ascū tēps
en après, departtera le Roialm
ou cōmence a retainer son ou
sa measō, ou measōs, ou auter-
mēt de absenter luy ou sa mes-
me, ou prendra sanctuarie, ou
suffer luy ou sa mesme volun-
tariēm destre arrest p̄ ascū debt
ou auter chose nient creissant
ou due pur argēt deliver, wares
vend, ou ascū aut̄ just ou loyal
cause ou bon considērac̄ ou
purposes, ou ad ou voyle suffer
luy ou sa m̄ destre utlage, ou
dō luy ou sa m̄ al prisō, ou vo-
lūtarīēm ou fraudulētēm, ad ou
pcurera luy ou sa m̄ destre ar-
rest, ou ses, ou sa biens, argēt,
ou chattels, destre attach ou
sequestre, ou departtera de sō,
ou sa meason inhabit, ou faiera,
ou causera destre fait ascun
fraudulent grant ou cōveyāce
de sō, sa, ou lour tē's tenēm̄ts,
biens, ou chattels, al entent
ou p̄ q̄ sō, sa, ou lour creditors
esteant subiects nec, cōe avant
dit, serra ou poit estre defeat
ou delay pur le recovery de
lour just & voyer det: ou este-
ant arrest p̄ det, aps son, ou sa
arrest, gisera in prison siz
moys ou plus sur cē arrest, ou

all and every such person and
persons, using, or that shall use
the trade of merchandise, by way
of bargaining, exchange, bar-
tery, chevisance, or otherwise in
grosse, or by taking his, her, or
their trade of living, by buying
and selling, and being a subject
borne of this Realme. or any the
Kings dominions, or denizen,
which at any time thence the
first day of this present Parlia-
ment, or at any time hereafter,
shall depart the Realme, or be-
gin to keepe his or her house. or
houses, or otherwise to absent
him or her selfe, or take sanctu-
ary, or suffer him or her selfe
willingly to be arrested for any
debt, or other thing not growne
or due for money delivered, wares
sold, or any other just or lawfull
cause, or good considerations or
purposes, or hath or will suffer
him or her selfe to be outlawed, or
yield him or herselfe to prison,
or willingly or fraudulently hath
or shall procure him or her selfe
to bee arrested, or his or her
goods, money or chattels to bee
attached or sequestred, or depart
from his or her dwelling house,
or make or cause to bee made any
fraudulent grant or conveyance of
his, her, or their lands, tene-
ments, goods, or chattels, to
the intent, or whereby his, her,
or their creditors being subjects
borne, as aforesaid, shall or
may bee defeated or delayed for
the recovery of their just and true
debt: or being arrested for debt,
shall after his or her arrest, lie in
prison six moneths or more upon
that

that arrest or detention in prison for debt, and shall lie in prison six moneths upon such arrest or detention, shall be accounted and adjudged a Bankrupt to all intents and purposes.

Banneret.

Banneret is a Knight made in the field, with the ceremony of cutting off the point of his standard, and making it as it were a Banner. And such are allowed to display their armes in a Banner in the Kings army, as Barons doe: And that such are next unto Barons in dignitie, appeares by the Statute made in the 5. yeare of R. 2. stat. 2. cap. 4. by which Statute it seemes that such Bannerets were anciently called by Summons to the Court of Parliament.

Bans.

Bans is a word common and ordinary amongst the Feudists, and signifies a proclamation, or any publike notice that is given of any thing. Bracton lib. 3. tract. 2. cap. 21. makes mention of Bannus Regis for a proclamation, or silence made by the Cryer before the meeting of the Champions in a Combat. But we use this word Bans especially for the publication of Matrimoniall contracts in the Church before Marriage: and the English word Banning, seemes to come from hence, which is an exclamation of another.

ascū aūt arrest ou detence en prison p̄ det, & gisera en prison six moys sur tiel arrest ou detention, ferra accompt & adjudge un Bankrupt a chescun intents & purposes.

Banneret.

Banneret est un chivaler fait en le campe oue le ceremony del amputer le point de son standard, & teasant ceo si cōe un Banner. Et tiels sōt allowes pur display leur Armes en un Banner en le army le Roy come Barons font. Et que tiels sont procheins as Barons en dignitie appiert p̄ le Statute fait en le 5. an. de R. 2. Stat. 2. cap. 4. p̄ quel Statute semble que tiels Bannerets fueront antientment appels per summons al Parliament,

Bannum.

Bannus sive Bannum, est un pol frequēt & ordinary en les Feudists, & signifie un proclamation, ou ascū publike notice done d'ascun chose. Bract. lib. 3. tract. 2. cap. 21. fait mention de Banno regis p̄ un proclamation, ou silence fait p̄ le crier devant le congresse des Champions en un combat. Mes nous usōmus cest paroll Bans principalement pur le publication des contracts Matrimoniall en lesglise devant marriage, & le parol Anglois (Banning) semble de vener de ceo que est un exclamation dun auter.

Bargaine

The Exposition of

Bargaine & sale.

BArgaine & sale, est quant un recompence est done p ambideux les parties al bargaine: come si un bargaine & vend son terre al auter pur argent, icy le terre est un recôpence a luy pur le argent, & le argent est un recôpence al auter pur le terre, & ceo est un bone contract & bargaine. Et p tiel bargaine & sale, terres poient passa sans livery de seisin, si le bargaine & sale soit p fait indent, seale & mrolle, ou en le Countie ou le terre gift, ou en un des Courts del Roy de Record al Westminster, deins six moyes prochain après le date de mesme le escript indent, &c. accordant al Statute en ceo case fait en le 27. anno de H.8. cap. 16.

Barre.

BArre, est quant le defendâr en ascun Aſcion plede un plee que est un sufficient respons, & ceo adnullle action del plaintife a tous jours.

Et ceo poit estre divide en barre al common intendment, & barre speciall. Barre al common intendment, est ou ordinary ou generall barre, q communement disable le count ou plea del plaintife: Barre speciall est ceo, que est plus que ordinary, & happa en le case en question sur ascun speciall circumstance del fact: Come un Executor esteant sue pur le det de son Testator, plode, Que il ad riens en ses

Bargaine and sale.

BArgaine and sale, is when a recompence is given by both the parties to the bargaine: as if one bargain & sell his land to another for money here the land is a recompence to him for the money, and the money is a recompence to the other for the land, & this is a good contract and bargaine. And by such a bargaine and sale, lands may passe without livery of seisin, if the bargaine and sale be by deed indented, sealed, and intolled, either in the county where the land lieth, or in one of the Kings Courts of Record at Westminster within six months next after the date of the same writing indented, according to the Statute in that behalf made in the 27. yeare of H. 8. cap. 16.

Barre.

BArre, is when the defendant in any action pleadeth a plea which is a sufficient answer, and that destroyeth the action of the plaintife for ever.

And it may be divided into barre to common intendment, and barre speciall. Barre to common intendment is an ordinary or generall barre, which commonly disableth the declaration or plea of the plaintife: Barre speciall, is that which is more than ordinary, and falleth out in the case in question, upon some speciall circumstance of the fact: As an Executor being sued for the debt of his Testator, pleadeth, that he hath nothing in his hands

hands at the day of the writ purchased, that is a good barre to common intendment, or at first sight, but yet the case may be such, that moze Goods may come to his hands after that time, which if the Plaintiff can shew by way of Replication, then except the Defendant hath a more special Plea or Barre to alledge, he is to be condemned in the Action. See Plö. fol. 26. 28. And in the same sense Barre is also divided into Barre materiall or speciall, and Barre at large, Kit. fol. 68.

Barre is also in regard of the effect divided into Barre perpetual and Barre temporary; Perpetuall is that which obstrueth the action for ever; Temporary is that which is good for the present, and may afterwards fail, as, fully administered is a good barre, until it may appeare after, that moze Goods came afterward to the hands of the Executors: which also holdeth for the heire, that in an action of his ancestors debt, pleadeth nothing by descent. See Brook. tit. Barre, num. 23.

Barre fee.

Barre fee is a fee of twenty pence, which every prisoner acquitted of felony payes to the Gaoler: and see of that 21. H. 7. 16. b.

Barter.

Barter seemes to come of the French word Barater, which signifies to circumvent, and this

maines al jour quant le Briefe fuit purchase, ceo est un bon bar al Cömon intendment, ou *prima facie*, mes uncore le cas poit estre tiel, q plusors biens poyent ven a ses maines puis cel temps, que si le plaintif poct monstre p voy de replication, donque sinon q le Defendant ad un plus special plea ou bar d alledge, il est destre' condempne en le Action. Veies Plow. fol. 26. 28. Et en mesme le sens bar est auxy divide e bar materiall ou speciall, & bar alarge, Kit. fo. 68.

Barre est auxy en regard del effect divide en barre perpetual, & barre temporary; perpetual est ceo que quasi l'action a tous jours; temporaire est ceo que est bone pur le present, & puit apres failer, come, *plene administravit* est bone barre jefque puit appearer que plusors biens vient puis al maines des Executors: que auxy tient pur le heire, que en un acc' de son ancestors det, plede riens per descent. Veies Brook. tit. Barre, nu. 23.

Barre fee.

Barre fee, est un fee de vine deniers q chesü prisoner q est acquite de felony paiera al viscount ou Gaoler: & de ceo v. 21. H. 7. 16. b.

Barter.

Barter semble de venir del Francois parol Barater, circumyenire, & cest parolle est usc

The Exposition of

use oue nous pur le eschange
des wares pur wares, & est me-
tion en lestatutes i.R.3.cap.9.
& 13. Eliz. cap.7.

word is used with us for the ex-
change of wares for wares, and
it is mentioned in the Statutes
of i.R.3. cap 9. & 13. Eliz. cap.7.

Barretor.

BArretor est un common mo-
ver & excitor, ou maintai-
ner de suits, quarels, ou parts,
ou en Courts, ou en pays : En
courts de Record, & en le cou-
tie, hundred, & auters inferior
Courts : En pays en trois ma-
ners; primermt, en disturbance
del peace; secondmt, en prisel
ou deteiner des possessions des
measons, Terr, ou biens, &c. q
sont en questio ou controverſie,
non ſolement p force, mes auxy
p subtiltie & deceit, & puis
toſt en ſuppreſſion de verity &
droit; Tiercement, p faux in-
vention & ſowing de calūniati-
on, rumors, & reports, pont diſ-
cord & diſquiet ſurd int ſes
Vicines. Veies puis de ceo,
Cok. lib.8. fol.36.37.

Baſe Fee.

Tener en *Fee Baſe*, eſt a tener
a volunt le Seignior. Et un
baſe fee eſt auxy lou aucun ad-
eſtate en terr p cy longe temps
come auter aia heires de ſon
corps, de quel eſtate v. Plo. en
Walsinghamſ Caſe, fol.557. a.

Baſtard.

BAſtard eſt celuy que eſt nec-
de aucun Feme nient
eſpouſe, iſint que ſon pere
neſt conus per le order del
Ley, & p ceo il eſt dit Filius
populi.

Barretor.

BArretor is a common mover
and ſtirrer up, or maintainer
of Suits, quarrels, or parts, ei-
ther in Courts or in Country :
In Courts of Record, and in
the Countie, Hundred, and other
inferiour Courts: In Country,
in theſe manners; firſt, in diſtur-
bance of the Peace; ſecondly, in
taking or detaining of the posſeſ-
ſions of Houſes, Lands, or goods,
&c. that are in queſtion or contro-
verſie, not onely by force, but alſo
by ſubtiltie and deceit, and moze
uſually in ſuppreſſion of truth &
right; thirdly, by falſe inven-
ting and ſowing of calumnies,
rumors, and reports, making diſ-
cord and diſquiet to riſe between
his neighbors. See moze of this,
Co. lib.8. fol.36.37.

Baſe Fee.

TO hold in Fee Baſe, is to hold
at the will of the Lord. And
a baſe fee is alſo where any hath
an eſtate in Land, ſo long as an-
other ſhall have heires of his bo-
dy, of which eſtate ſee Plo. in
Walsinghamſ Caſe, fol.557. a.

Baſtard.

BAſtard is hee that is borne of
any woman not married, ſo
that his father is not knowne by
the order of the Law, and there-
fore he is called the Child of the
People.

But

But by the Law of the Romish Church, if one get a Childe upon a woman, which Childe is borne out of Wedlock, and after he marry the same woman, then such child shall be said Mulier, & not bastard.

But by the Law of England he is a bastard, and for that cause when such speciall bastardy is alledged, it shall be tried by the Country, and not by the Bishop. But generally Bastardy alledged shall be tried by the Certificate of the Bishop.

And if a woman be great with child by her husband, who dieth, and she taketh another husband, and after the child is borne, this child shall be said the child of the first husband. But if she were privily with child at the time of the death of her first husband, then it shall be said the child of the second husband. But enquire further, and see the opinion of Thorp, 21. E. 3. 39.

Also if a man take a wife, which is great with child by another which was not her husband, and after the child is borne within the espousels, then it shall be said the child of the husband, though it were borne but one day after the espousels solemnized.

Baston.

Baston is a French word, and signifies a staffe, but in our Statutes it is taken for one of the Warden of the Fleets men, that attends the Kings Courts with a painted staffe, for the taking of such to ward as are com-

Mes per la ley del Romish Esglise, si un ingendre un enfant sur aucun Feme, quel enfant est nee hors d'l espousels, & puis il spouse mesme la Feme, donques tiel Enfant serra dit *Mulier*, & nemy bastard.

Mes per la ley d'Engleterre il est Bastard, & pur cest cause quant tiel especiall Bastardie est allege, il serra trié per le pais, & nemy per L'euesque. Mes generalment Bastardie allege serra trié per le Certificate del' Euesque.

Et si un Feme soit grosse de Enfant per son Baron, que morust, & el prist auter Baron, & apres le enfant est nee, cest Enfant serra dit le Enfant le primer Baron. Mes si el fuit privement enseint al temps del mort sa primer baron, donques il serra dit le Enfant de second Baron. Sed quere & veies le opinion de Thorp, 21. E. 3. 39.

Auxy si un home prent feme q soit grossement enseint p aucun auter que ne fuit sa baron, & apres l'enfant est nee deins les espousels, donques il serra dit l'enfant le baron, mesque il fuit nee forsque un jour apres les espousels solempnise.

Baston.

Baston est un parolle Frācois, & significat *baculum*, mes en nre statutes est prise pur un des servants del Garden le Fleet q attend les Courts le Roy oue un colored bastō pur le prēder d'eux al gard q sont commisee

de la

The Exposition of

p le Court, & p le attendre sur eux q esteats psoners for pmisses d'aler alarge per licence. Et issint est use en lestatutes 1. R. 2. cap. 12. & 5. Eliz. cap. 23.

mitted by the Court, and for the attending upon such prisoners as goe at large by licence. And so it is used in the Statutes 1. R. 2. cap. 12. & 5. Eliz. cap. 23.

Battaile.

Battaile.

BAttaile est un ancien triall é nostre Ley, q le defendât é un appeale de Murder, Robbery, ou Felony, poit essier, cest ascavoir, a combater oue l'appellant, pur proofoe sil soit culpable del Felony ou non; quel combatte sil succeed cybien del part le Defendant, que il vanquish l'appellât, il alera quit, & luy barrera de son Appeale a tous jours. Mes si un soit indict de Felony, & un appeale est port sur mesme le Indictmt, la le Defendant ne gagera le Battaile. Battaile auxy poest estre en un Brieve de Droyt, come est en Paramours case, Dyer 301. plac. 41. 42. ou les champions fuerent essies, & la battell agard, & les champions fueront per Mainprise & jures de performer le battel al Torhil en Westmin. mes per default d'appearance en le Dât, riens fait en ceo.

BAttaile is an ancient triall in our Law, which the Defendant in appeale of murder, robbery, or felony, may chuse, that is to say, to fight with the Appellant, for proove whether he be culpable of the Felony or not: which combate if it fall out to swell on the part of the defendant, that he doeth vanquish the Appellant, hee shall goe quit, and barre him for his appeale for ever. But if one be indicted of felony, and an appeale is brought upon the same Indictment, there the Defendant shall not wage battaile. Battaile also may be in a writ of Right, as in Paramours Case, Dyer 301. plac. 41. 42. where the champions were chosen, and the battell awarded, and the champions were by surerties and oath to performe the battell at Cotehill in Westminister, but by default of appearance in the demandant, nothing was done therein.

Batterie.

Batterie.

BAtterie, est un act que tende al breache del peace & quiet government del Royallme; si come quant un home assault & batter un autre, ceo est encoûter le Ley & peace del Royallme, le quel ordeigne, Que nul home serra son Judge de-

Batterie is an act that tendereth to the breach of the peace and quiet government of the Realme; as when a man assaulteth and beateh another, this is against the law and peace of the Realme, which ordaineth that no man shall be his owne judge, or re-
benger

denger of his owne priuat wrong, but shall leave this to the censure of the law, which is alwayes ready to heare and redresse the rightfull and just complaints of every man: wherefore hee that is so beaten may either indite the other party, who upon it shall be fined to the King, or have his action of Trespasse of assault and battarie against him, (for every battarie implieth an assault) and recover so much in costs and damages, as the Jury will give to him by their verdict, and the defendant shall upon the indictment be fined to the K. and the Action of Trespasse shall lie as well before as after the Indictment. But if the plaintife in such action, maketh the first assault, then the defendant shall goe quit, and the Plaintife shall be amerced to the King for his false suit. And it is to be observed that the record of the conviction of the party by indictment, may serve for evidences in the action of Trespasse brought upon the same assault and battery.

But notwithstanding that the partie shall have a two-fold punishment for such offence, that is to say, shall be punished to the King and to the party; yet some there are who in respect of their naturall, and others who in respect of their civill power & authority over others, in a reasonable and moderate manner may chastise, correct, and beat them; as the Parent their child, the Master his servant or apprentice; the Gaoler or his servant,

mesme, ou revenger de son privat tort, mes ceo lay serra al censure del Ley, que est tous foits prist de oyer & redresser les droyturall & voire quarrels de chelcun home: Pur que cestuy que est issint assault poit ou enditer l'autre partie, que sur ceo serra fine al Roy, ou aver son Action de Trespasse de Assault & Battery vers luy, (car chescun Battery implie un Assault) & recover tant en costes & damages, que le Jury voile doner a luy per lou verdict, & le Defendant sur cest indictment serra fine al Roy, & le Action de Trespasse voyle giser cybien devant come apres L'endicement; Mes si le Plaintife en tiel Action fist le primer Assault, donques le Defendaunt alera quire, & le Plaintife serra amerce al Roy pur son faux suit. Et est destre observe, Que le record del conviction del partie per indictment, poert serve p evidence en le action de Trespasse port sur mesme le Assault & Battery.

Mes nient obstant que le partie avera un double punishment pur tiel offence, cest adire, serra punish al Roy & al party, uncore ascuns y sont, que en respect de leur natural, & ausi que en respect de leur civile power & authoritie ouster auters, en un reasonable & moderate maner poient eux chastiser, correcter, & bater; cõe le Parent leur puer, le Master son Servant ou Apprentice; le Gaoler ou son Servant, les turbulent

The Exposition of

turbulent prisoners; le officer, cesty que est arrest, & ne voyle aufint obeyer. Auxy hœc poit justifie le batture dun auter, en defence de son pson demesne, ou del pson de son Feme, pier, miere, ou Maister. Et home poet justifie le batture dū aut, en defence de ses biens, & en maintenance de Justice. Mes est destre note, Que en ceux cases si home ne soit urge & constraine per un necessary cause, il ne poit justifie le baterring dun auter.

Bedell.

BEdell est derive del Francois paroll Beadeau, q̄ signifie le messenger dun Court ou un q̄ cite homes a ceo p̄ appeare & responder. Et Manwood en le treatise des leyes del Forest cap. 23. fol. 221. a. dit que un Bedell del Forest est un officer que ala p̄ tent le Forest semble al speciall Bayly le viscount.

Besaile.

BEsaile est un breve que gift pur le heire, lou son besaile fuit seizi jour que il morust, ou morust seisie de terre en fee-simple, & un estranger enter jour del mort le besaile, ou abate apres son mort, le heire avera cest briefe vers tiel disseisor ou abator, & v. de ceo Fitz. N. B. 221. D.

Bewpleader.

Bewpleader est un Briefe sur lestatute de Marlebridge, &

the unruly Prisoners; the Officer, him that is arrested, and will not otherwise obey. Also a man may justifie the beating of another in defence of his owne person, or of the person of his wife, father, Mother, or Master. And a man may justifie the beating of another in defence of his goods, and in maintenance of Justice: But it is to be noted, that in these cases if a man be not urged, and constrained by a necessary cause, he cannot justifie the beating of another.

Bedell.

BEdell is derived from the French word Beadeau, which signifies a messenger or an apparitor of a Court, that cites men to the Court to appeare and answer. And Manwood in his treatise of the forest lawes, cap. 23. fol. 221. a. says that a Bedle of a Forest is an Officer that goes thorough all the Forest like a Sherifes speciall Bayle.

Besaile.

BEsaile is a writ that lies for the heire, where his great grandfather was seised the day that he died, or died seised of land in fee-simple, & a stranger enters the day of the death of the great grandfather, or abates after his death, the heire shall have this writ against such a disseisor or abator: and see of this Fitzh. N. B. 221. D.

Bewpleader.

Bewpleader is a writ upon the Statute of Marl. and lieth where

Where the Sherife or other Bailife in his Court will take a fine of the party Plaintiff, or Defendant, to the end that hee shall not plead fauely, &c. And the writt shall bee directed to the Sherife himselfe, or to the Bayliffe, or him that will demand this fine, and it is as a prohibition to him, commanding him that hee shall not demand such a fine, and may be sued by all the Hundred, or by all the County (as it seemeth) Where he will demand such manner of fine of them, Fitz. N. B. 270. a.

Bigamie.

Bigamie was a counterplea (devised at the Councell of Arons, upon mislike of second marriage) to bee objected when the prisoner demandeth the benefit of the Clergie, to wit, his Booke; as namely to say, That he which demandeth the priviledge of the Clergie, was married to such a woman at such a place, within such a Diocesse, and that shee is dead, and that hee hath married another woman within the same Diocesse, or within some other Diocesse, and so is Bigamie. Or if he have been but once married, then to say that shee whom hee hath married, is or was a widow, that is to say, the left woman of such a one, &c. which thing shall bee tryed by the Bishop of the Diocesse where the marriages are alledged. And being so certified by the Bishop, the prisoner shall lose the benefit of the Clergie. But at this day he

gift ou le Viscont ou auter Bailife en son Court voile prèder un fine del partie Plaintife, ou Defendant, pur ceo que il ne pleadera belement, &c. Et le brieve serra direct al Viscount mesme, ou al Bailife, ou cestuy que voile demanda cest fine, & est come un Prohibition a luy, commandant luy, que il ne demandera tiel fine, & puit estre sue per tout le Hundred, ou per tout le Countie, come semble, lou il voile demanda tiel maner fine de eux, Fitz. N.B. 270. a.

Bigamie.

Bigamie fuit un counterplea (devisé al Councell de Lyons, sur mislike de second mariage) este object quaut le prisoner demanda le benefit del Clergie; cestascavoir, son Lieure, come nosmement a dire, que il que demande le priviledge del Clergie, fuit marie a tiel Feme en tiel lieu deins tiel Diocesse, & que el est mort, & que il ad après marrie un auter Feme deins mesme le Diocesse, ou deins ascun auter Diocesse, & issint Bigamus. Ou sil nad esté forsque un temps marrie, donques adire, Que el que il espouse, est, ou fuit un viefse, cest adire, le relict dun tiel, &c. Le quel chose serra trie per Leuesque de le Diocesse ou le espousels sont alledge. Et esteant issint certifie per Leuesque, le prisoner perdera le benefit del Clergie. Mes al cest jour, per force de le

The Exposition of

Acte fayt en Anno primo Ed. 6. cap. 12. cest nul plea, mes que il poit aver son Clergie ceo nient obstant.

Issint est Brook, Titulo Clergie, Placito 20. al mesme purpose. Et sur ceo si vous estes desirous de voyer queux raisons ils ont que persuade enuers second espousels, lege enter divers auters, Francis Petrache, de remediis utriusq; Fortunæ, le prim liure, & lxxvj. Dialogue, entituled, De secundis nuptiis, quel lieure ore tarde Mounseigneur Th. Twine, ad bié & oue bone grace, (come ils q poyent judg^r diont) translate hors de Laryne en Angloys, & mult aptm^t appel c^r, Phisick encouné fortune,

force of the Act made Anno 1. Edward 6. cap. 12. this is no plea, but that hee may have his Clergie that notwithstanding.

So is Brook, Titulo Clergie, Placito 20. to the same purpose. And hereupon if you be desirous to see what reason they have that perswade against second marriages, read among many others, Francis Petrache, of remedies for both fortunes, the first Booke and lxxvj. Dialogue, intituled, of second marriage: which booke now of late M. Thomas Twine hath very well, and with good grace, (as they that can judge doe say) translated out of Latine into English, and most aptly called it, Physick against fortune.

Bilawes.

Bilawes sont orders faits en Court Leets ou Court Barons, per le common consent p^r le bien d'eux q sont les Feafors d'eux: Et son appells Bilawes, quasi Birlawes, ou Bawrlawes, de paroll Germanois Bawr, id est, Rusticus, issint q Bawrlawes ou Bilawes, est tant adire come leges Rusticorum.

Billa vera.

Billa vera, est lendorsement del grand Inquest, sur ascū presentm^t ou Indictment q ils trouvent este probablem^t voyer.

Bilinguis.

Bilinguis en generall est un hōe oue un double langue, uncore il est cōmunem^t use pur

Bilawes.

Bilawes are orders made in Court Leets or Court Barons, by a common consent for the good of them that are the makers of them: And they are called Bilawes, quasi Birlawes or Bawrlawes, of the Dutch word Bawr, that is to say, a Country-man, and so Bawrlawes or Bilawes is as much to say, as the lawes of Country-men.

Billa vera.

Billa vera, is the indorsement of the grand inquest upon any presentment or indictment, which they finde to be probably true.

Bilinguis.

Bilinguis in generall is a man with a double tongue, yet it is commonly used for the Jury which

Which passeth betweene an Englishman and an Alien, whereof part ought to be Englishmen, & part Strangers. And for this cause it is enacted by the statute of 28. Edward 3. cap. 13. That if any variance chance to be about the packing of wooll before the Maioz of the Staple, betweene the Merchants or Ministers of the same, and thereupon to try the truth thereof, Enquest shall bee taken, and if the one party and the other bee Denizens, it shall be tried by Denizens, or if the one party be Denizen, and the other Alien, the halfe of the enquest or of the prooffe shall be of Denizens, and the other halfe of Aliens.

Blackmaile.

Blackmaile, is a word used in the Statute of 43. Eliz. cap. 13. and it signifies a certainty of money, Coyn cattell, or other consideration given by the poore people in the North parts of England, unto men of great name and alliance in those parts, to be by them protected from such as usually robbe and steale there.

Bloodwit.

Bloodwit, that is, to be quit of amerciaments for bloodshedding, and what Pleas are holden in your Court, you shall have the amerciaments thereof comming, because (wit) in English, is Misericordia in Latine.

Bockland.

Bockland, in the Saxons time was that that we at this day

cest Jurie que passent parenter un hōe D'angleterre, & un Alien, de que pt covient estī homes D'angleterre, & part Estrangers. Et pur ceo est enact per l'estatute de 28. Edward 3. cap. 13. Que si ascun debate happa destre sur le packing de Lane, devant le Maioz del Staple, enter les Merchants ou Ministers del mesme, & sur c' de prover la veritie de ceo Enquest serra prise, & si lun partie & l'auter soynt Denizen, il serra trie per Denizens, ou si lun partie soynt Denizen, & l'auter Alien, de moitie de l'enquest ou del prooffe serra Denizens, & l'auter moytie D' Aliens.

Blackmaile.

Blackmaile est un paroll use en l'estatute de 43. Eliz. cap. 13. & signify un certain rate des deniers, blees, cattell, ou aū cōsideratiō done per les povers homes, en les North parts de Anglsterre, as homes de grand nosme & alyance ē ceux parts, destre p eux protects del eux q̄ usualment robbe & embler la.

Bloodwit.

Bloodwit, hoc est, quietum esse de amerciamentis de sanguin' fuso, & que teneantur placita in Curia vestra, habebitis amerciamenta inde provenientia, quia (wit) in Anglois, est Misericordia in Latyne.

Bockland.

Bockland, en temps del Saxons fuit ceo terre, q̄ nous a cest

The Exposition of

cest jour appellomus frāktene-
ment, ou terre tenus per char-
ter, & fuit p ceo nōm distin-
guish del *Folkland*, & fuit terre
tenus per copyy.

call *fræhold Land*, or *Land held*
by charter, and it was by that
name distinguished from *Folk-*
land, which was *Coppyhold*
Land.

Borow.

BOrow, & ovesq; nous signify
un anciē ville cōe appiert p
M. Littleton sect. 164. est un
paroll derive ou del Francois
paroll, *Burg*, id est, *Pagus*, ou del
Saxon parol *Borhoe*, id est, *Pig-*
nus, pur ceo q̄ en ancient temps
vicines dun ville deveignont
pledges lun pur lauf, & de ceo
venust *Headborow*, pur le chief
pledge ou *Borhoe-Aldere*, que
nous appellomus le *Borowhol-*
der ou le *Burshoulder*.

Borrowhead. v. Headborow.

Borow.

BOrow, which with us signifies
an anciē *Towne*, as appeares
by *Master Littleton, sect. 164.* is
a word derived either of the
French word Burg, id est, *Pagus*,
or of the *Saxon word Borhoc*,
id est, *Pignus*, for that anciently
neighbours of a *Towne* became
pledges one for another, and from
thence comes *Headborow*, for
the chiefe pledge or *Borhoc-Al-*
dere, with us now called the
Borowholder or *Bursholder*.

Borrowhead: see *Headborow*.

Boot.

BOot est un viel parol, & il
signifie, *Help*, *Succor*, *Ayde*,
ou *Advantage*, & est commune-
ment joyne oue un auter parol,
que signification il augment,
come ceux, *Bridgeboot*, *Burg-*
boot, *Fireboot*, *Hedgeboot*,
Plowboot, & divers tiels sem-
blable, per queux significatiōs
veies en leur proper *Titles*.

Boot.

BOot is an old word, and signi-
fieth *helpe*, *succour*, *ayde*, or
advantage, and is commonly joy-
ned with another word, whose
signification it doth augment, as
those, *Bridgeboot*, *Burgboot*,
Fireboot, *Hedgeboot*, *Plowboot*,
and divers others such like, for
whose significations look in their
proper titles.

Broodhalpeny.

Broodhalpeny, en ascun *Cop-*
ies *Broodhalpeny*, hoc est,
quietū esse de quadam consue-
tudinē exacta pro *Tabulis* levie
ou *Boords* en *Faires* ou *Mar-*
kets, & ceux que esteont en-
franchised per le *Charter* le
Roy de cest custome, ont cest
parol mise en leur *Letters Pa-*

Broodhalpeny.

Broodhalpeny, in some *Co-*
pies, *Broodhalpeny*, that is,
to be quit of a certaine custome,
exacted for setting up of *Ca-*
bles or *Words* in *Faires* or
Markets, and those that were
freed by the *Kings Charter* of
this *Custome*, had this word
put in their *Letters Patents*:
by

by reason whereof, at this day the freedom it selfe (for the brevitie of speech) is called by the name of Broadhalfepeany.

Broker.

Broker seemes to come of the French word Broieur, id est, eritor, he that grindez or breakes a thing into small peeces. And the true trade of a Broker, as it appeares in the Statute made 1. Jac. cap. 21. is to beat, contrive, make, and conclude Bargaines betwixne Merchants & Tradesmen. But the word is now also appropriated to them amongst us that buy and sell old and broken apparell and household-stuffe.

Bloody hand.

Bloody hand, is the apprehension of a trespassor in the forest against Venison, with his hands or other parts of him bloody, although he be not chasing or hunting: and of this see Manwood in his Forest-Lawes, cap. 18. sect. 9. fol. 133. b.

Bull,

Bull is an instrument so called, granted by the man of Rome, and sealed with a Seale of Lead, containing in it his Decrees, Commandements, or other Acts, according to the nature of the thing for which it is granted. And these Instruments so called have bene heretofore used, and of force in this Land: but by the Statute of 28. H. 8. cap. 16. it was enacted, That all Bulls, Breves, Faculties, and Dispen-

sent: per reason de quel, a cest jour le enfranchisement mesme (pur le brevitie de elocution) est appel p le nosme de Broadhalfepeany.

Broker.

Broker semble de vener del paroll Francois Broieur, id est, Tritor, cestuy q grinde ou rumpur un chose en petite parcells: Et le voyer office dū Broker cōe appiert per le Star. fait 1. Jac. cap. 21. est de bater, contriver, faire, & concluder bargains éter Merchâts & Tradesmen. Mes le parol est ore auxy appropriate as eux éter nous q achate & vende vieux & broke apparell & household-stuffe.

Bloody hand.

Bloody hand, est le Apprehender dū trespassor en le forest envers Venison oue ses maynes ou ascū part de luy embrues en sanke, coment q il ne soit troue chasing ou hunting: & de ceo veies Manw. For. leyes cap. 18. sect. 9. fol. 133. b.

Bull.

Bull est un Instrument issint appel, graunt per le hōe de Rome, & enseale oue un Seale de plumbe, cōteinant en ceo ses Decrees, Commandements, ou auter Acts, accordant al nature del chose pur que il est graunt. Et ceux Instruments issint appel, ont estre cy devant usc, & de force en cest Terre: mes per lestatute de 28. H. 8. cap. 16. fuit enact, Que tous Bulls, Breves, Faculties, & Dispensations,

The Exposition of

sations, de quelque nosme ou nature que il fuit, ad ou obtain del Euesque de Rome, serront tout ousterment voyd, & de nul effect. Vide *Rastall*, 328. C. D.

Bullion.

Bullion venuist del parol François Billon, q̄ est le lieu lou or est try. Et issint Bullion est prise en lestatutes faits en 27. E. 3. Stat. 2. cap. 14. & en 4. H. 4. Stat. 1. cap. 10. pur le lieu a que or ou argēt est port destre trie ou exchange. Mes Bullion est auxy prise en lestatute 9. E. 3. Stat. 2. cap. 2. pur or ou argent en le masse ou billet.

Briefe.

Briefe (*Breve*) signifie plus properment en nostre Ley, le pces q̄ issint hors del Chancery ou auē Court, comandant, le viscount de summoner ou attacher A. pur respōder al suit B. &c. mes plus largement est prise p̄ ascun pcept del Roy en escript south seale issuant hors dascū Court, p̄ que il command ascun chose destre fait pur le furtherance del Justice & bon order. Et ils sont appels briefes (*Brevia*) p̄ ceo q̄ ils briefent comprehend'le cause del actiō, & rem breviter enarrant. Et ascuns d'eux sont originals, & ascūs judiciales, cōe poies veier alarge ē le Register des briefes.

Burgage.

Tener ē Burgage, est a tener sicome les burgeis teignent

sations of whatsoeber name or nature that it was, had or obtained from the Bishop of Rome, should bee altogether voyd, and of no effect. See *Rastall*, 328. C. D.

Bullion.

Bullion cōmeth frō the French word Billō, which is the place where gold is tryed. And so Bullion is taken in the Statutes made in 27. E. 3. Stat. 2. cap. 14. and in 4. H. 4. Stat. 1. cap. 10. for the place whither gold or silver is brought to be tryed or exchanged. But Bullion is also taken in the Statute 9. E. 3. Stat. 2. cap. 2. for gold or silver in the masse or billet.

Briefe.

Briefe (*Breve*) signifies most properly in our Law, the pces that issues out of the Chancery or other Courts, commanding the Sherife to summon or attach A. to answer to the suit of B. &c. but more largely it is taken for any pcept of the King in wytting under seale, issuing out of any Court, whereby he commands any thing to be done for the furtherance of Justice and good order. And they are therefore cald Briefes, because they doe briefly comprehend the cause of the action. And some of them are Originall, and some Judicall, as you may see at large in the Register of wyttis.

Burgage.

To hold in Burgage, is to hold as the Burgeis hold of the King,

King, or of another Lord, lands, or tenements, yielding to him a certaine rent by the yeare, or else there where another man than Burgeis holdeth of any Lord, lands or tenements in Burgage, yielding to him a certaine rent by yeare.

Brughbote.

BBrughbote, (and in some Copies Bridgebote) that is to be quit of giving ayde to the repairing of Bridges.

Burghbote.

Burghbote, that is, to be quit of giving ayde to make a Borough, Castle, Citie, or Wallles thowne downe.

Burbreach.

Burbreach, that is, to be quit of trespasses done in Citie or Borough against the peace.

Burgh English.

Burgh English, or Borough English, is a custome in some ancient Borough, that if a man haue issue diuers sonnes, and dieth, yet the youngest sonne onely shall inherit and haue all the lands and tenements that were his fathers, whereof he died seized within the same Borough by descent, as heire to his father, by force of the custome of the same Borough.

Burglarie.

Burglarie is whē one breaketh and entred into the house of another in the night, with felo-

de Roy, ou de autre Seignior, terres, ou tenements, rendant a luy un certaine rent per an, ou autrement la ou un autre home q Burgeis tiēt dasc' Seignior, terres ou tenements en Burgage, rendant a luy un certaine rent per an,

Brughbote.

BBrughbote (& un ascuns copies Bridgebote) hoc est, quietum esse de auxilio dando ad reficiendum pontes.

Burghbote.

Burghbote, hoc est, quietū esse de auxilio dando ad faciendum Burgum, Castrum, Civitatem, vel muros prostrata.

Burbreach.

Burbreach, hoc est, quietū esse de transgressionibus factis in civitate vel Burgo contra pacē.

Burgh English.

Burgh English, ou Borough English, est un custome en un ancient Borough, que si un hōc ad issue divers fits & morust, uncore le puisne fits solement inheriter, & avera routs les terres & tenements q fueront de son pere, de que il morust seisie deins m le burgh per descent, come heire a son pere, per force del custome de mesme le Burgh.

Burglarie.

Burglarie est quant un debruse, & enter en le meason d'un autre en le nuit, oue felonious

The Exposition of

nious intent, de robber ou occider, ou de faire auter felonie, en queux cases nient obstant il import riens, uncore il est felonie, pur que il serra pendue. Autermét est sil soit en le jour, ou que il debruse le meason en le nuit, & ne entra pas en ceo a cest temps.

Mes si un servant voile conspire oue auters de robber son Master, & a cel entent il over les dores & sinistres de son Master en le nuit p eux, & ils vient en le meason p cest voy, cest Burghlarie en les estrangers, & le servant est un lator, mes niemy un Burgler. Et ceo fuit l'opinion de le right Worshipfull Sir *Roger Manwood* Chivaler plus digne Seignior chiefe Baron de le Eschequer, a la quarter Sessions tenus en Canterburie en *January 1579. 21. Eliz.*

nious intent to robbe or kill, or to doe some other felonie, in which cases although hee carry away nothing, yet it is felonie, for which he shall suffer death. Wherwise it is, if it be in the day time, or that he breake the house in the night, and enter not therein at that time.

But if a servant will conspire with other men, to rob his Master, and to that intent hee openeth his Masters doores and windows in the night for them, that they come into the house by that way, this is Burglarie in the strangers, and the servant is a Cheefe, but no Burglar. And this was the opinion of the right worshipfull, Sir R. Manwood Knight, most worthy Lord chiefe Baron of the Exchequer, at the quarter Sessions holden at Canterburie in *January 1579. 21. Eliz.*

C Capacitie.

CApacitie est quāt hōe, ou corps politique, ou corporat est capable a doner ou prēder terres ou auter choses, ou a suer actiōs, sicōe un alien nee ad sufficient Capacitie a suer ē ascū psonall actiō, mes ē real actiō est bone plee adire q il est aliē nee, & prier sil serra respondu, *Dyer fol. 2. pla. 8.*

Si home enfeoffe un alien & un home al use de luy ou &c. semble que le Roy avera

CApacitie is when a man, or bodie politicke or corporate is able to give or take lāds or other things, or to sue actions; as an Alien bozne hath sufficient Capacitie to sue in any personall action, but in a reall action it is a good plea to say, that he is an alien bozne, and pray if he shall be answered, *Dyer fol. 3. pla. 8.*

If a man enfeoffeth an alien and another man to the use of themselves, or &c. it seemeth that the

the King shall have the moitie of the land for ever, by reason of the incapacitie of the alien, Dyer fol. 283. pla. 31.

By the common Law no man hath capacite to take Tythes but spirituall persons, and the King, who is a person mixt; but a lay man that is not capable of tythes in taking them, was yet capable of discharge of tythes in the Common Law in his owne land as well as a spirituall man. See Coke lib. 2. fol. 44.

Cape.

CApe is a writ judiciall, touching plea of lands or tenements, so called (as the most part of wryts are) of that word, which in it selfe carrieth the especiallest intention or end thereof. And this writ is divided into grand Cape and petit Cape, both which take hold of things immoveable, and seeme to differ betwene themselves in these points following: First, because that grand Cape lyeth befoze apparance, and petit Cape after. Secondly, by the grand Cape the tenant is summoned to answer to the default, and ober to the demandant: Petit Cape summoneth the tenant to answer to the default onely, and therefore is called petit Cape, in the old N.B. 161. 162. Yet Ingham sayth, That it is not called petit Cape, because it is of small force, but because it is a little writ in words.

This writ seemeth to containe in it a Procelle which the Civilians called, *Missio in possessionē*

le moytie del terre a tous jours per reason del incapacitie del Alien; Dyer fol. 283. pla. 31.

Per le cōmon Ley nul hōe ad capacite de prender Dismes fors q̄ spiritual p̄sons, & le Roy, *que est persona mixta*; mes lay home q̄ nest capable de Dismes en p̄nancie, fuit uncore capable de discharge de Dismes al common Ley en son terre demesne cibien come spirituall home. Vide Coke lib. 2. fol. 44.

Cape.

CApe est un brieve judicial, touchāt pleede terrs ou tenemēt, issint appel (sicōe les plusors de briefts sont) de cest pol q̄ ē luy mesme port de pluis especial étētiō & fine de ceo. Et cest brieve est divide en grād Cape & petit Cape, queux ābideux p̄dōnt des choses immoveables, & semble a disagreer perēt eux mesmes ē ceux points insuants: Primermēt, pur ceo q̄ grād Cape gist devant apparance, & petit Cape puis. Secūdemēt, p̄ le grād Cape le tenant est summon a respond al default, & ouster al demandant: Petit Cape summō le tenant a responder al default solemt, & pur ceo est appel petit Cape, en le veil N.B. 161. 162. Uncore Ingham dir, que il nest appel petit Cape, pur ceo que il est de petit force, mes pur ceo que il est petit brieve en parols.

Cest brieve semble a conteiner en ceo un proces oue les Civilians appel, *Missio in possessionem*

The Exposition of

sessionem ex primo & secundo Decreto: Car sicome le primer Decree ent seifist le chose, & le secōd donast ceo de luy q̄ list le second default en sō apparāce; issint cest *Cape* seifist le terre, & auxy assigne ouster al party un jour d̄ apparance, a quel sil ne vient eins le terre est forfeit. Uncore la est difference perent̄ ceux deux courtes del common & civile Ley; car cest *Missio in possessionem*, extend a toucher cibien biens moveables come immoveables, ou un *Cape* extend solement al immoveable.

Secondm̄t, en ceo, Que le party esteant satisfe de son demand, le residue est restore a luy que defaulta: Mes per le *Cape*, tout est seifie sans restitution.

Tiercement, Cesty est al use del party Agent, le *Cape* est al use le Roy. Vtes Bracton lib. 5. Tract. 3. cap. 1. num. 4. 5. & 6. Le Reg. Judic. fol. 2. 2.

Cape ad Valentiam.

CApe ad Valentiam est un briefe de Execution, & est issint define en le veile *Natura Brevium*, fol. 161. 162. Cest briefe gist ou le Tenant est impleade de certainē Terres, & il vouche a Garrantie un auter vers que les Summons *Ad warrantizandum* ad este agarde, & le Vouchee ne vient eins al jour done: Donques si le Demaundant recover vers le Tenaunt, il avera cest briefe enuers le Vouchee, & recovers

ex primo & secundo Decreto: **For** as the first Decree seifeth the thing, and the second giveth it from him that made the second default in his apparance, so this Cape seifeth the Land, and also assignerh ober to the partie a day of apparance, at which, if he cometh not in, the Land is forfeited. Yet there is difference betwene these two courtes of the Common and Cbill Law; for this *Missio in possessionem*, extendeth to touch as well goods moveable as immoveable, where a Cape extendeth onely to the immoveable.

Secondly, in this, That the partie being satisfied of his demand, the residue is restored to him that defaulted: but by the Cape, all is seifed without restitution.

Thirdly, That is to the use of the partie agent, the Cape is to the use of the King. See Bracton lib. 5. Tract. 3. ca. 1. num. 4. 5. & 6. The Regist. judic. fol. 2. 2.

Cape ad Valentiam.

CApe ad Valentiam is a writ of Executio, and is thus defined in the old *Natura Brevium*, fol. 161. 162. This writ lieth where the Tenant is impleaded of certainē lands, and he voucheth to warrantie another, against whom the summons *Ad warrantizandum* hath been awarded, and the Vouchee cometh not in at the day given: then if the Demaundant recover against the Tenant, he shall have this writ against the Vouchee, and shall recover so much in value of

of the Vouchees land, if he have so much, and if hee hath not so much, then the Tenant shall have execution by this writ, of such lands & tenements as descend to him in Fee-simple; or if he purchase afterwards, the Tenant shall have against him a resumption, and if he can say nothing, he shall recover the value.

And know that this writ lieth before apparance: Of these and their divers uses, see the Register judiciall, the word Cape.

Capias.

Capias is of two sorts, the one before judgement, called Capias ad respondendum, in an Action personall, if the Sherife returne upon the first writ, *Nihil habet in Balliva nostra*. And the other is a writ of Execution after judgement, which also is of divers natures, which see in the title Procelle.

Capite.

Capite is a Tenure that holdeth immediatly of the King, as of his Crowne, be it by Knights service, or Socage, and not of any Honor, Castle, or Manor, and for this it is also called a Tenure, which holdeth merely of the King: for as the Crowne is a Corporation, a Seigniorie in grosse, so the King who possesseth the Crowne, is in the eye of the Law perpetually King, and is never in his Minority, nor dyeth no more than *Populus* doth, whose authority he beareth. See Fitzherbers *Natura Brevium*, so-

tant en value del Terre del Vouchee, fil tant ad, & fil nad tant, doncque le Tenaunt avera execution per cest briefe, de tiels Terres & Tenements que descend a luy en Fee-simple, ou fil purchase apres, le Tenaunt avera vers luy un resumption, & fil riens poit dire, il recouvrera le value.

Et saches, que cest briefe gift devaunt apparance; de ceux & leur divers uses, vies le Table del Reg. judicial, le parol Cape.

Capias.

Capias est del deux sorts, l'un devaunt judgement, appel *Capias ad respondendum*, en un Action personall, si le Viscount sur le primer briefe retourne, *Nihil habet in balliva nostra*. Et l'auter est un briefe d'execution apres judgement, que auxy est de divers natures, queux vies en le Title Procelle.

Capite.

Capite est un Tenure q tient immediatement del Roy cõe de son Corone, soit ceo per service de Chivaler, ou Socage, & nient dascũ Honour, Castel, ou Mannour, & pur ceo il est auxy appel un Tenure q tient meement del Roy: Car come le Corone est un Corporation, un Seigniorie e grosse, issint le Roy que possesse le Corone est en le oiel del Ley pperualmt Roy, & ne unques est e son Minoritie, ou moüst nient pluis q *Populus* fait, l'authority de queux il port. Vieies *Fitz. Nat. Brev. fol. 5*
Uncore

The Exposition of

Uncore nota, q̄ un hōe poit tēn del Roy, & uncore niēt ē *Capite*, cest adire, niēt immediatmēt del Corone en grosse, mes p means dascū Honour, Castle, ou Mannor, appurteināt al Corone, de q̄ il tiēt sa terre. De ceo *Kitchen* bien dit, Que home poyt tener del Roy per service de Chivaler, & uncore nient en *Capite*, pur ceo q̄ poit estre que il tient d'ascun Honour per Service de Chivaler, q̄ est en le mains del Roy, per discent de son Ancestors, & nient immediatement del Roy come de son Corone, fol. 129. Oue que agree *Fitzherb. Nat. Bre. fol. 5. k.* queux parols sont a cest effect, Il sint q̄ il plainemēt appiert, Que terres queux sont tenus del Roy, cōe dun Honour, Castle, ou Mannor, ne sont venus en *Capite* del Roy, pur ceo que un brieve de droit en cel case serra direct al Baylife del Honour, Castle, ou Mannor, &c. Mes quant les terres sont tenus al Roy, cōe de son Corone, donque ils ne sont tenus de Honor, Castle, ou Mannor, mes meēremēt del Roy, cōe Roy & de son Corone, come d'un Seigniorie de luy mesme en grosse, & le chiefe de routs auters Seigniories.

Et cest tenure en *Capite* est auteremēt appelle, Tenure tiendrāt del persō del Roy. *Dyer, fol. 44. Brooke Titulo Tenures, Numero 65. 99.* Et uncore Mayster *Kytchen, fol. 208.* dit, Que home poet tener del persō del Roy, & uncore nient en *Capite*: Son case est tiel, Si le Roy purchase

lio. 5. Yet note, That a man may hold of the King, and yet not in *Capite*, that is to say, not immediately of the Crowne in grosse, but by meanes of some Honour, Castle, or Mannor, belonging to the Crowne, whereof he holdeth his land. Of this, *Kytchen* saith well, That a man may hold of the King by Knights service, and yet not in *Capite*, because it may be he holdeth of some Honour by Knights service, that is in the Kings hands, by discent from his Incestors, and not immediately of the King, and of his Crowne, fol. 129. With which agreeth *Fitzher. Nat. Bre. fol. 5. k.* whose words are to this effect, So that it plainly appeareth, That Lands that are held of the King, as of an Honour, Castle, or Mannor, are not held in *Capite* of the King, because that a writ of Right in this case shall be directed to the Baylife of the Honour, Castle, or Mannor, &c. But when the Lands are held of the King as of his Crowne, then they are not held of Honor, Castle or Mannor, but merely of the King as of his Crowne, as of a Seigniorie of it selfe in grosse, and the chiefe of all other Seigniories.

And this Tenure in *Capite* is otherwise called, Tenure holding of the person of the King, *Dyer fol. 44. Brooke Titulo Tenures, numero 65. 99.* And yet Master *Kytchen, fol. 208.* sayth, That a Man may hold of the person of the King, and yet not in *Capite*: His Case is this, If the King purchase

purchase a Mannor that I. S. holdeth, the Tenant shall hold as he did before, and he shall not render Liberty, nor Primer Seisin, nor hold in Capite. And if the King grants his Mannor to W. N. in Fee, excepting the services of I. S. then I. S. holdeth as of the person of the King, and yet holdeth not in Capite, but as he held before: By which it seemeth, that Tenure holding of the person of the King, & Tenure in Capite are two divers Tenures. To take away which difference, it may be said, That this place of Master Kytchen is to be taken as if he had said, Not in Capite by Knights Service, but by Socage, following the usuall speech, because that most commonly, where we speake of Tenure in Capite, we intend Tenure by Knights Service.

Carke.

Carke seemeth to be a quantitie of wool, whereof thirty make a Sarpler. 27. H. 6. cap. 2. See Sarpler.

Carno.

Carno is an immunitie, as appeareth in Crompt. Jur. fol. 191. Where it is said, that the Prior of Malton made claime for him and his men, to be quit of all Merciaments within the Forest, and also to be quit of Escapes, and of all manner of Gelds, and of Footgelds, Buckstall, Trites, Carno, and Summage, &c.

Carracke or Carricke.

Carrack *alias* Carrick, is a ship of burden, and is so called of

Mannor que I. S. tient, le Tenant tiendra come il teignoit devant, & il ne rendra Liverie, ne primer Seisin, ne tiendra en Capite. Et si le Roy grant son Mannour al W. N. en Fee, exceptant les Services de I. S. d'oques I. S. tient del Roy cõe del persõ del Roy, & uncore ne tiẽ en Capite, mes cõe il tenoit devaunt: Per que il semble, Que Tenure tiendrãt del persõ del Roy, & Tenure en Capite, sont deux divers Tenures. A toller quel difference poet estre dit, Que cest lieu le Maister Kytchen est destre prise come sil ad dit, Nemy en Capite per service d'Chivaler, mes p Socage, pursuant le usual place, pur c'q plus communement, ou nous parleroms de Tenure en Capite, nous intendoms tenure per service de Chivaler.

Carke.

Carke semble destre un quantitie de Lane, de q troyseme font un Sarpler. 27. H. 6. cap. 2. Vide Sarpler.

Carno.

Carno est un Immunitie, cõe appiert en Crompt. Juris. fol. 191. ou est dit, Que le Prior de Maltõ fait claime pur luy & ses homes, destre quit de tous amerciaments deins le Forest, & auxy destre frank D'escapes, & de tous maners de Gelds & de Pee-gelds, Buckstall, Trites, Carno, & Summage, &c.

Carracke ou Carricke.

Carrack *alias* Carrick, est un neife de faix, & est issint appelle

The Exposition of

pel del parol Italiano *Carico* vel *Carco*, id est onus. Et c' parol est mention en lestatute 1. Jacobi, cap. 33.

the Italian word *Carico* or *Carco*, which signifies a burden. And this word is mentioned in the Statute 1. Jac. cap. 33.

Carve de terre.

CArve de terre est un certain quantitie de terre, per que les subjects ont este cy devaunt taxe, sur que le Tribute issint levie, est appel Carvage, *Bracton lib. 2. cap. 16. num. 8. Littleton Sect. 119.* dit, Que *Soca* est mesme oue *Caruca*, sc. un Soke ou Carve. *Stow* en son Annals, p. 271. ad ceux parols, Mesme le temps *Henrie* le Roy prist Carvage, cest adire, deux markes d'argent d'chescun fee dun Chivaler, al mariage de son soer *Isabel* al Emperour. Per que il semble, que la fuit raise de chescun Carve de terre tant, & issint per consequent de chescun fee de Chivaler deux Markes D'argent. *Rastal* en son exposition de parols dit, Que Carvage est destre quit si le Seignior le Roy taxera tout le Terre per Carves, cest adire, un privilegedge per que un home est exempt de Carvage.

Mayster Skene dit, que ceo containe cy graund portion de Terre que poit estre eyred ou tilled en un anne & jour oue un Carve, que auxy est appelle *Hilda*, ou *Hida Terra*.

Castellaine.

CASTellaine est un Keeper ou Capitaine, ascun foits appel un Constable dun castle, *Bract. lib. 5. Tract. 2. cap. 16.* en mesme

Carve de terre.

CArve de terre is a certain quantitie of Land, by which the Subjects have bene heretofore taxed: whereupon the Tribute so levied is called Carbage, *Bract. lib. 2. cap. 16. num. 8. Lit. Sect. 119.* saith, That *Soca* is the same with *Caruca*, sc. a *Soke* or *Plow*. *Stow* in his Annals, pag. 271. hath these words, The same time *Henry the King* took Carbage, that is to say, two Markes of Silver for every Knights fee, to the marriage of his sister *Isabel* to the Emperour. By which it seemeth, that there was raised of every *Plow* land so much, and so consequently of every Knights fee two Marks of Silver. *Rastal* in his exposition of words saith, That Carbage is to be quit, if the Lord the King shall tax all the land by *Plowes*, that is to say, a privilegedge by which a man is freed from Carbage.

Master Skene saith, That it containeth as great a portion of Land as may be eyred and tilled in a yeare and a day with one *Plough*, which also is called a *Hild* or *Hide* of land.

Castellaine.

CASTellaine is a Keeper or Captain, sometimes called a Constable of a Castle, *Bract. lib. 5. tract 2. c. 16.* in the same manner

it is used, añ. 3. E. 1. cap. 7. In the books De Feudis, you shall finde Guastaldus to be of like signification, but more large, because it is also extended to those that have the custodie of the Kings mansions houses, called Courts, notwithstanding they are not places of defence or force. M. Manwood pt 1. of the Lawes of the Forrest, pag. 113. saith, That there is an officer of the Forrest, called Castellanus.

Castle-gard.

Castle-gard is an imposition layd upon such of the Kings subjects as dwell within a certain compasse of any Castle, to the maintenance of such as watch and ward the Castle, Mag. char. ca. 2. & añ. 32. H. 8. cap. 48. It is sometimes used for the circuit it selfe, which is inhabited by such as are subject to this service.

Casu consimili.

Casu consimili is a writ of entrie granted where the tenant by courtesie, or tenant for terme of life, or for the life of another, alieneth in fee, or in taile, or for terme of the life of another. And it hath this name, for this, because the Clerkes of the Chancery have framed it by their common consent, like to the writ called, In casu proviso, according to the authority given to them by the Statute of West. the 2. ca. 24. which willet, That as often as it shall happé in Chancery, that in one case a Writ is found, & in the like case a remedie is wanting, the

le manner il est use, añ. 3. Edw. 1. cap. 7. Et les lieures de Feudis vous trovers Guastaldus destre de tiel signification, mes plus large, pur ceo que il est auxy extend a ceux que ont le custodie de les Mansion measons del Roy, appel Courts, nient obstar que ils ne sont lieus de defence ou force. M. Manwood part. 1. del Leys del Forrest, p. 113. dit, Que la est un officer del Forrest, appelle castellanus.

Castle-gard.

Castle-gard est un imposition impose sur tiels Subjects del Roy queux inhabitot deins un certaine compas dascun Castle, al maintenance de tielx queux vigilont & gardont le Castle, Mag. char. cap. 2. & anno 32. H. 8. ca. 8. Il est ascū foits use p le circuit mesme, q est inhabite p tiels qux sōt subject a cest service.

Casu consimili.

Casu consimili est un briefe de Entrie, graunt^o ou le Tenāt per courtesie, ou Tenār pur terme de vie, ou pur auter vie, alien en fee ou en taile, ou pur terme dauter vie. Et il ad cest nomme, pur ceo, que les Clerks del Chancery ont ceo frame per leur commō consent, ensemble al briefe appel, In casu proviso, accordāt al authoritie done al eux p lestatute de westminster le 2. cap. 24. que voit. Quotiuscunque evenerit in Cancellaria, quod in uno casu reperitur breve, & in consimili casu indigente remedio, concordent clerici de Cancellaria.

The Exposition of

cellaria de Breui faciendo, &c.
Et cest briefe est grant a cestuy en reversion, vers le partie a que le dit Tenant issint alien a son prejudice, & en le vie del dit Tenaunt. Veies plus de ceo, *Fitzherb. Nat. Bre. fol. 206.*

Casu proviso.

CAsu proviso est done per le statute de *Gloucester, cap. 7.* Et cest briefe gist ou Tenaunt en Dower alien en Fee, ou a terme de vie, ou en Taile, la Terre que el tient en Dower, ore cestuy que ad le reversion en Fee, ou en Tayle, ou a terme de vie, maintenant avera cest briefe vers Alienee, ou cestuy que est Tenant del franktenement del Terre, & ceo durant la vie le Tenant en Dower, *F. N.B. fol. 205. n.*

Catalis.

Catalis cōprehend ē ceo tous biens movable & immovable, forsq; tiels que sont en nature de Franktenement ou parcel de ceo come poet estre collect hors *Stamf. Prærog. cap. 16. & añ. 1. Eliz. cap. 2.* Uncore *Kitch. fol. 32.* dit, Que mony nest destr accout biés ou chatals, ne espérus, ne chiens, car ils sont *fera nature.* Mes si semble, q mony nest catal, pur ceo q nest de luy mesme chose valuable, mes plus en imagination que en fait.

Catalis sont ou Reall ou personall: Catalis reall sont ou tiels que ne appertinent immediatment al person, mes al ascū auē

Clerks of the Chauncerie should agree to make a Writ, &c. And this writ is granted to him in reversion, against the party to whom the said Tenant so aliened to his prejudice, and in the life of the Tenant. See more of this, *F. N.B. fol. 206.*

Casu proviso.

CAsu proviso is given by the Stat. of Gloucester, cap. 7. And this writ lyeth where Tenant in Dower alieneth in Fee, or for terme of life, or in taile, the land which he holdeth in Dower, there hee that hath the reversion in fee, or in taile, or for terme of life, shall presently have this writ against the Alienee, or him that is tenant of the freehold of the Land, and that during the life of the Tenant in Dower, *F. N. B. fol. 205. n.*

Catalis.

Catalis comprehend in it selfe all goods moveable & immoveable, except such as are in nature of freehold or parcell of it, as may be collected out of *Stamf. Prærog. cap. 16. and añ. 1. Eliz. cap. 2.* *Yeo Kytch. fol. 32.* saith, that money is not to be accounted goods or catalis, nor hawks, nor hounds, for they are *fera nature.* But it seemeth that money is not a chatel, because it is not of it selfe valuable, but rather in imagination, than in deed.

Catalis are either reall or personall: Catalis reall be either such as doe not immediatly appertain to the person, but to some other thing

thing by way of dependance; as a Box with writings of Land, the bodie of a Ward, the apples upon the tree, or the tree it selfe growing upon the ground, *Crom. f. 33. b.* Or else such as are issuing out of some thing unmoveable to the Person, as a Lease for rent or terme of yeares.

Personall may bee so called in two respects, the one because they belong immediately to the person of a man, as a horse, &c. The other, because that when they are wrongfully detained, we have no other meanes for their recovery, but personall actions.

The Civilians comprehend these things, and also lands of all natures and tenures under the word Goods, which is by them divided into Moovables and Immoovables. See *Bracton lib. 3. cap. 3. num. 3. & 4.*

Certiorari.

Certiorari is a writ, and lieth where a man is impleaded in a base Court that is of Record, and he supposeth that he may not have equall Justice there, then upon a Bill in the Chancery comprising some matter of conscience, he shall have this writ to remove all the Record into the Chancery, and there to be determined by conscience, but if he prove not his Bill, then the other partie shall have a writ of *Procedendo*, to send againe the Record into the base Court, and there to be determined. And it lieth in many other cases, for to remove Records for the King, as indictments and others,

chose per voy de dependancy; cōe un boxe oue charēs d̄ terf, le corps dū gard, les pomes sur l'arbre, ou l'arbre mesme cressant sur le Terf, *Cromp. fol. 33. b.* Ou autermt tiels q̄ sont illuāt hors dascū chose immoveable, al person, come un Lease pur Rent ou terme d̄ ans.

Personal poit estī isint appel en deux respects, L'un p̄ c' q̄ ils appent immediatemt al person dū hōe, cōe un chival, &c. L'aut p̄ c' q̄ quant ils sont tortioufimt deteigne, nous ne auom' pas ascun aut̄ means p̄ leur recovetrie fors q; p̄ personal actions.

Les Civilians comprehendont ceux choses, & auxy fies d̄ tous natures, ou Tenures, desouth le parol *Bona*, que est per eux divide in *Mobilia & Immobilia*. Vide *Bract. lib. 3. cap. 3. num. 3. & 4.*

Certiorari.

Certiorari est un brief, & giste lou un est impleade en un base Court, q̄ est de Record, & il suppose que il ne poit aver equal Justice la, dōques sur un bill en le Chancery cōprisant ascun matter en conscience, il avera cest brieve pur remoover tout le Record en le Chancery, & la destē determine per conscience, mes sil ne prova son Bil, dōques l'auter party avera un brieve de *Procedendo*, a remaund le Record en le base court, & la destē determine. Auxy il giste en plusors auters cases, pur remover Records pur le Roy, come indictments & auters.

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Certificate,

The Exposition of

Certificate.

Certificate est un escript fait en ascū court, a doner notice al aūt court dasc' chose fait la, come un certificate del cause d' attain, est un transcript briefement fait per le Clerke del corone, Clerke del peace, ou Clerke d' assise al court del bank le Roy, contenant le tenor & effect de chescun indictment, uilagarie, ou conviction, & Clerke attain fait ou declare en ascun autre Court.

Mes nota, que cest certificate doit estē fait per cestuy que est le immediate officer al court, & pur ceo si le Commissarie ou Official del Euesque; certifie un excomengement en barre dun action al common Ley, ceo nest bone (cōe fuit resolve en *Coke lib.8. fol.68.*) mes tiel excomengement doit estre certifie per Leuesque mesme: Uncore le certificate dun excomengement per special Commissioners delegates de south lour common seale fuit allow, & tenus assēs bone en le common banke. *Djer fol. 371 pla.4.*

Certification de Assise.

Certification d'un Assise de Novel disseisin, &c. est un briefe agard, a re-examiner ou reviser un chose passē per Assise devant ascū Justices; & est use quāt hōe appiert p son Bailife a un Assise port per un autre; & perde le jour, & ad ascun autre chose ouster a pleader pur luy mesme, come un fait de release ou &c. que le Bayliffe ne plea-

Certificate.

Certificate is a writing made in some Court, to give notice to another Court of something done there, as a certificate of the cause of attain, is a transcript briefly made by the Clerkes of the Crowne, Clerkes of the Peace, or Clerks of Assise to the Court of Kings Bench, containing the tenor and effect of every indictment, outlawrie, or conviction, and Clerke attained, made or declared in any other Court.

But note, that this certificate ought to be made by him that is the immediat officer to the Court, and therefore if the Commissarie or Official of the Bishop, certifie an excommunication in bar of an action at the common Law, this is not good (as was resolved in *Coke, lib.8. fol.68.*) but such excommunication ought to be certified by the Bishop himselfe: Yet the Certificate of an excommunication by special Commissioners Delegates under their common seale was allowed, and held good enough in the common place, *Dier fol.371. pla. 4.*

Certification of Assise.

Certification of Assise of Novel disseisin, &c. is a writ awarded to re-examine or review a matter passed by Assise before any Justices, and is used when a man appeareth by his Bayliffe to an Assise brought by another, and loseth the day, and hath some other matter to plead further for himselfe, as a Writ of release, or, &c. which the Bayliffe did not plead

plead or might not plead for him, desireth better examination of the cause, either before the same or other Justices, and obtaineth *Letters Patents* (see their forme *F.N.B. 181.*) and then bringeth a writ to the Sherife to call the partie for whom the *Wille* had passed, and also the Jury, which was impanelled upon the same *Wille* before the said Justices at a day and place certaine.

And it is called a certificate, because that therein mention is made to the Sheriffe, that upon the parties complaint of the defective examination, or doubts remaining yet upon the *Wille* passed, the King hath directed his *Letters Patents* to the Justices, for the better certifying of themselves, whether all the points of the said *Wille* were duly examined or not.

Cession.

Cession is when an Ecclesiastical person is created Bishop, or when a Parson of a Parsonage taketh another Benefice without dispensation or otherwise not qualified, &c. In both cases their first Benefices are become void, and be said to become void by cession: and to those that he had who was created Bishop, the King shall present for that time whosoever be Patron of them: And in the other case the Patron may present.

Cessavit.

Cessavit is a writ, and it lyeth where my very Tenant which

deroit ou ne puit pleader pur luy, pria un mieux examinatio del cause, ou devant mesme les Justices, ou auters; & acquire *Letters Patents* (vide leur forme *F.N.B. 181.*) & donque port un brieve al Vicount d'appeller le partie pur que l'*assise* ad passe, & auxy le Jurie que fuit impanel sur mesme l'*assise* devaut les dits Justices a un jour & lieu certeine.

Et est appel un certificate, pur ceo que en ceo mention est fait al Vicount, que sur le parties complaint del defective examination, ou awrust uncore remanant sur le *Assise* passe, le Roy ad direct ses *Letters Patents* a les Justices, pur le mieux certification de leur mesmes, ou touts les points del dit *Assise* fueront examine ou nemy.

Cession.

Cession est quant un Ecclesiasticall person est cree Euesque, ou quant un Parson d'un Parsonage prist un autre Benefice sans dispensation ou autrement nient qualified, &c. En ambideux cases leur primer Benefices sont devenus void, & sont appelle destre void per cession: Et al ceux que il ad q fuit cree Euesq; le Roy presentera pro illa vice, quicunque soit Patron de eux. Et en l'autre case le Patron poit presenter.

Cessavit.

Cessavit est un brieve, & gist lou mon veris Tenant que
H 2 tieng

The Exposition of

tient de moy certain fres ou tenements, rendant certaine rent per an, & le rent est arere niét pay p deux ans, & nul sufficiét distresse poit estre troue sur le terre, donques ieo avera cest briefe per que ieo recouera le terre, mes si le tenant vient en court devât judgémēt, & tendra les arrerages, & les damages, & troue suretie, que il ne cessera plus en paymēt de dit rent, ieo serra compel de prendre les arrerages & les damages, & donques le Tenant ne perdera la terre. Auxy le heire ne poit maintaine cel briefe pur cesser fait en tēps son ancesster. Auxy cest beiefe ne gist mes pur annual service, cōe rent & hujusmodi, & nient pas pur homage & fealtie.

Auxy il y ad auter briefe apel *Cessavit de cantaria*, & gist ou un done terſs a meafō de religiō a trover pur l'alme de luy & de ses auncestors, & de ses heires annualment un chandel ou lamp en Esglise, ou pur faif asc' divine service, ou de paster les pouers, ou auters almes, ou auter tiel chose faire, donque si les dits charges ne sont pas fait p 2. ans, donq; le donor ou ses heires avera cest briefe vers quecunque est eins apres tiel cesser. Vide Iestature W. 2. cap. 41.

Challenge.

Challenge est un exception prise ou envers pſons, ou choses: Persōs, cōe en un Assise les Jurors, ou ascū un, ou plus d'

holdeth of me certaine lands and tenements, yielding certaine rent by the yeare, and the rent is behind not paid by two yeares, and no sufficient distresse may be found upon the Land, then I shal recover the Land; but if the Tenant come into the Court before judgement given, and tender the arrerages and damages, and find suretie, that he shall cease no more in payment of the sayd rent, I shall be compelled to take the arrerages and the damages, and then the Tenant shall not lose the land. Also the heire may not maintain this writ for the cesser made in the time of his Ancestor: Also this writ lyeth not, but for annuall service, as rent and such other, and not for homage and fealtie.

Also there is another writ, called *Cessavit de cantaria*, and it lyeth where a man giveth land to a house of Religion, to finde for his soule and of his ancessors, & his heires, yeaerly a candle or lampe in the Church, or to say any divine service, or to feede the poore, or other almes, or some other thing to doe, then if the said charge be not done in two yeares, then the donor or his heires shall have this writ against whosoever holds the things given after such censure: See the Statute W. 2. cap. 41.

Challenge.

Challenge is an exception taken either against persons, or things: Persons as in an Assise, the Jurors, or any one, or more of them.

them; or in case of Felonie, by the Prisoner at the Barre: Against things, as a Declaration. Old Nat. Br. fol. 76.

Challenge made to the Jurors, is either made to the Array, or to the Polles. **Challenge to the Array,** is where exception is taken to the whole number, as impannelled partiall: **Challenge to or by the Polle,** is where exception is taken to any one, or more, as not indifferent. **Challenge to the Jurors** is also divided into **Challenge Principall,** and **Challenge for Cause,** that is to say, upon cause or reason: **Challenge Principall,** or **Peremptorie,** is that which the Law alloweth without cause alledged, or examination: as a prisoner at Barre arraigned upon Felony, may peremptorily challenge to the number of twenty one after another, of the Jurie impannelled upon him, not alleaging any cause at all, but his owne dislike, and they shall be discharged, and new put into their places: and this is in favour of life. But in the case of high Treason, no peremptorie Challenge is allowed. See 25. H. 8. cap. 3. And a difference may be observed betwene Challenge principall, & Challenge peremptorie, because that Challenge peremptorie seemeth onely to be used in matters criminall, and merely without any cause alleaged, more then onely the prisoners fantasie. Stamf. Pl. Coron. f. 124. and principall for the most part in civil Actions, and with the naming of some exceptio; which being found

eux; ou en case de Felony, per le Prisoner al Barre: Vers Chofes, come un Declaration, *Vet. Nat. Br. fol. 76.*

Challenge fait a les Jurors, est fait ou al Array, ou a les Polles: **Challenge al Array,** est ou exceptio est prise al entire nombre, come impannell partialment: **Challenge al ou per le Polle,** est ou exception est prise al ascū un, ou pluis, come nient indifferent. **Challenge a les Jurors** est auxy divide en **Challenge Principall,** & **Challenge per cause,** cest adire, sur cause ou reason. **Challenge Principall,** ou **Peremptory,** est ceo q le Ley allowe, sans cause alledge, ou examination: Come un prisoner al Barre arrain sur Felony, poit peremptoriment challenge al nombre de vint un apres auter del Jury impannel sur luy, nient alledge de ascū cause, mes son dislike demesne, & ils seront discharge, & novels mise en leur lieux: & ceo est *in favorem vite.* Mes en le case de hault Treason, nul peremptory challenge est allowe. Vide 25. H. 8. cap. 3. Et un difference poit estre observe perent Challenge principal & Challenge peremptory, pur ceo que Challenge peremptorie semble solement destre use en choses criminal, & mereint sans ascun cause alleage pluis que le sole phantasie del prisoner, *Stamf. Pl. Coron. fol 124.* & principal pur le greinder part en civile Actions, & oue le posmant de ascun exception, que esteant

The Exposition of

trouue voyer, le Ley maintenant allowe. Come pur exemple, si ascun partie dit, Que un des Jurors est le Fits, Frere, Cousin, ou Tenât al auter partie, ou espouse son File, ceo est un bone & fort exception, sil soit voyer, sans pluis examination del credit del partie challenge. Et de q̄ large extent cest challenge de Consanguinitie est, il bien appiert, *Plow. fol. 425.* Auxy en le plea del mort de ascun home, & en chescun Action real, & auxy en chescun Action personall, ou le det ou damages amount al 40. Markes, il est bone Challenge al ascun del Jurie impanel, que il ne poet dispendre 40. s. per l'an, de son Franktenement demesne, *Anno 11. H. 7. cap. 21.*

Challenge sur Reason ou Cause, est quant le partie alledge ascun tiel exception vers un ou pluis d'I Jurie, que nest immediate sufficient sur conuissance del voierrie de ceo, mes arbitrabile & cōsiderable per le residue des Jurors, come si le Fits de Juror ad espouse le File del aduerse partie, cest challenge per cause semble per *Kytch. fol. 92.* destre challenge pur favour; ou potius challenge pur favour, est la dit destre un *Species* de challenge per cause, ou poys auxy lier queux challenges sont comunement account pur principal, & queux nemy.

Chamberdekins.

CHamberdekins sōt Irish Beggars, que per l' statute de 1.

true, the Law presently alloweth. As for example, if any party saith, That one of the Jurors is the Sonne, Brother, Cousin, or Tenât to the other party, or married his daughter, this is a good and strong exception if it be true, without further examination of the credit of the party challenged. And how largely this challenge of kindred extendeth, it well appeareth, *Plow. f. 425.* Also in the plea of the death of any man, and in every Action real, and also in every Action personall, where the debt or damages amounteth to forty Markes, it is a good challenge to any of the Jurie impanelled, That he cannot dispend forty shillings by the yeare of his owne freehold, *An. 11. H. 7. cap. 21.*

Challenge upon reason or cause, is when the party alleadgeth any such exceptiō against one or more of the Jurors, which is not forthwith sufficient, upon acknowledgement of the truth thereof, but rather arbitrabile and considerable by the rest of the Jurors, as if the Sonne of the Juror had married the daughter of the aduerse party; this challenge by cause seemeth to be termed by *Kytch. fol. 92.* Challenge for favour; or rather challenge for favour is there said to be a *Species* of challenge by Cause: where you may also read what challenges are commonly accounted for principal, and what not.

Chamberdekins.

CHamberdekins are Irish Beggars, which by the Statute of 1. Hen.

1. Hen. 5. cap. 8. were by a certayne tyme within the same Statute limited, to avoyd this Land,

H. 5. cap. 8. fueront per un certain tēps deins mesm l'estature expresse, d'avoyder cest Terre.

Champertie.

CHampertie is a writ, and lieth where two mē be impleading, and one giveth the halfe or part of the thing in Plea, to a stranger, for to maintaine him against the other, then the party grieved shall have this writ against the stranger. And it seemeth, that this hath been an ancient fault in our Realme, for notwithstanding divers Statutes, and a forme of a writ framed unto them, yet An. 4. Ed. 3. c. 11. it was enacted, That where the former Statutes provided redresse for this onely in the Kings Bench, which then followed the Court, it should be lawful for the Justices of the common Pleas likewise, and Justices of Assise in their Circuits, to enquire, heare, and determine these and such cases, as well at the Kings suit, as at the suit of the party. Also it was ordained by the Statute of 33. H. 8. (which was confirmed by the Statute of 37. H. 8. c. 7.) That Justices of Peace at their quarter Sessions should have authority to enquire, as well by the oaths of 12 men, as by the information given to them by any person or persons, of the defaults, contempts, & offences committed against the Lawes and Statutes made and provided concerning or touching Champertie, Maintenance, &c. and to heare and determine the said faults and offences.

Champertors be they that move

Champertie.

CHampertie est un briefe, & gist lou deux homes sont impleadāts, & l'un done la moitie ou part del chose en plee, a un estrāge, pur luy maintenir encounter le autre, dōques le partie grieve avera cest Briefe devers le estrange. Et semble que ceo ad este un ancient peche en nostre terre : Car nient obstant divers Statutes, & un formē de un Briefe frame a eux, uncore Anno 4. Edward 3. cap. 11. fuit enact, Que ou les primer Statutes provide redresse pur ceo solement en Banke le Roy, que donques attend le Court, il serroit loyall pur les Justices del common Plees ensement, & Justices D'assises en leur Circuits, d'enquiere, oyer & determiner ceux & tiels cases, cybiē al suit le Roy, cōe al suit del pry. Auxy fuyt ordeigne per L'estature de 33. H. 8. (q̄ fuit confirmē p le Statute de 37. H. 8. cap. 7.) Que Justices del Peace a leur quart Sessions averōt authority d'enquiere cybiē ple sereints de 12 hōes, come per l'information done a eux per ascū person ou persons, des defaults, contempts, & offences commise encounter les leys & Statutes, fait & purviewes concernāts ou touchants Champertie, Maintenance, &c. & a oyer & determiner les dits faults & offences.

Champertors sont ceux que

The Exposition of

mo^uua plees & suits, ou cause
deste move per lour ou auters
procurement, & sue a lour co-
stages & charge demesne, pur
aver part del terre ou gaines
en variance. Vies l'estatute Ar-
ticuli super Chartas cap. 11.

plees and suits, or cause to be mo-
ved by their owne or others pro-
curement, and sue them at their
owne costs, to have part of the
lands or gaines in variance. See
the Statute Articuli super chartas,
cap. 11.

Chance-medley.

CHance-medley est quant un
home sans ascu male entent,
fait un loyal chose, ou que nest
prohibite per Ley, & uncore
auter est tue, ou vient a s^o mort
per ceo, sicome home iet un
pierre, que percuss^t home ou
feme, que apres de ceo morust
ou si home sagitte un Fletch, &
auter que passe cest voy est
occide, & tiels semblables, cest
manner d'occision est homicide
per misadventure, ou Chance-
medley, pur que cestuy que
occide avera son pardon de
course, come appiert per l'esta-
tute de 6. Ed. 1. c. 9. & il forfei-
tera ses biens en tiel manner
come cestuy que tuera un home
en son defence. Mes en cest case
est destre consider ou cestuy
que commit cest homicide per
Chance-medley fuit en feaisans
dun loyal chose, car si le act
fuit illoyal, come a pugner al
Barriers, ou curre a Tilte
sauns commandement le Roy, ou
ieter pierres en un Hault voy
ou homes usualment passe, ou
sagittant Fletches en un Mar-
ket lieu, ou tiels semblables, per
que un hoe est occide, en tous
ceux cases il est Felony al
meines, cest ascavoire, homicide
sinon que soit murder, car l'of-

Chance-medley.

CHance-medley is when a man
without any evil intent, doth
a lawfull thing, or that is not pro-
hibited by Law, and yet another
is slain, or cometh to his death
thereby: as if a man casteth a
stone, which striketh a man or
woman, who after dieth thereof:
or if a Man shooteth an Arrow,
and another that passes this way
is killed, and such like this man-
ner of killing is Man-slaughter
by misadventure, or Chance-med-
ley, for which he which killeth
shall have his pardon of course,
as appeareth by the Statute of
6. Ed. 1. cap. 9. and he shall forfeit
his goods in such manner as he
that shall kill a man in his owne
defence. But in this case it is to
be considered, whether he that
committeth this Man-slaughter
by Chance-medley was in doing
of a lawfull thing, for if the act
was unlawfull, as to fight at
Barriers, or run at Tilt with-
out the Kings commandement, or
cast stones in a highway where
men usually passe, or shooting Ar-
rowes in a market place, or such
like, whereby a man is killed, in
all these cases it is felony at least,
that is to say, Man-slaughter, if
not Murder, for the offender be-
ing doing of an unlawfull act,
through

through his own will, the Law shall construe his meaning and will herein, by the successe of the act.

As if two are fighting together, and a third man cometh to part them, and is killed by one of them two without any malice fore-thought, or evil intent in him that killed the man, yet this is murther in him, and not manslaughter by chance-medley or misadventure, because that they two that fought together were in doing of an unlawfull act. And if they were met with premeditated malice, the one intending to kill the other, then it is murther in them both.

Chapiter.

CHapiter is a Summarie of Content of all such matters as are to be enquired of before Justices in Eyre, Justices of Assise, or of the Peace in their Sessions: so it is used, 3. Ed. 1. cap. 27. in these words, And that no Clerke of any Just. Escheator, or Commissioner in Eyre, shall take any thing for delivery of Chapters, but onely Clerkes of Justices in their Circuits: and likewise, 13. Edw. 1. cap. 10. in these words, And when the time cometh, the Sherif shall certifie the Chapters before the Justices in Eyre: how many writs he hath. Also Britton in the same signification useth this word, c. 3. And at this day Chapters are called Articles for the most part, and are delivered as well by the mouth of the Justice in his charge, as by the

fendor esteant feasant dū illoyal act p sō volunt demesne, le ley construa sō meaning & volunt en c' p le successe del act.

Come si deux sont pugnants ensemble, & un tierce hōe vient a severer eux, & est occide per un de eux deux, sans aucun malice preperce, ou male entēt en luy que occide le home, uncore ceo est murther en luy, & nemy homicide p Chance-medly ou misadventure, pūr ceo que ils deux que combateront ensemble, fueront en feafance d'un illoyal act. Et si ils fuerōt assemble oue malice prepēce, l'un intendā d' occid' l'auter, donque il est murder en eux ambideux.

Chapiter.

CHapiter est un Summary ou content de tous tiels choses que sont destre enquire devant Justices en Eyre, Justices d' assise, ou del Peace en leur Sessions: Istint est use, 3. Ed. 1. cap. 27. en ceux parols, Et que nul Clerke d' aucun Justice, Escheator, ou Commissioner en Eyre, prendre aucun chose pur delivery de Chapit'rs, mes solumēt clerks de Just. en leur Circuits, & ensēmēt 13. Ed. 1. c. 10. ē ceux pōls, Et quant le temps vient, le Vicount certifiera les Chapiters devant les Justices en Eyre, quel nōbre des b'rs il ad. Auxy Brit. en mesme signification use cest parol, cap. 3. Et a cest iour Chapit'rs sont appellees Articles, pur l'greind part, & sōt deliver cybien per la bouche del Justice en son charge, come per les

The Exposition of

les Clerkes en escript, al Enquest, ou en ancien téps ils furent, après un exhortation done ples Justices, pur le bone observation del Leyes & peace del Roy, primermt lye distinctmt & appiertmt en le plein Court & donque deliver en escript al grand Enquest. Un example de ceux Chaprs la est en le Livre de Assises, fol. 138. Placito 44.

Chapleine.

CHapleine est celuy que fait Divine Service en un Chappel, & pur ceo est communemt usé purceluyque depend sur le Roy ou auter home de qualite, pur l'enstruction de luy & son familie l'execution de Orisons & Sermos en son privat meaf, ou communement ils ont un Chappel pur cel purpose.

Et pur ceo que ils sont reteine per Letters desouth le Signet de lour Patron, & per ceo sont p entendement destre resiant oue eux, le Ley ad done libertie pur lour non resiancie sur lour Benefices.

Si un Couit ou Baron deteigne un Chapleine, & devaunt son advancement soit attaint de Treason, la le reteigner est determine, & apres le attainder, tiel Chapleine ne poet accept un second Benefice, pur ceo que cestuy que est attaint est per son attainder un mort persn en Ley. Et queux psons de Nobilitie & auters poyent reteyn, & quant Chapleynes ils severalmét poyent reteyne, l'act de 21. Hen. 8. cap. 13. bien declare.

La

Clerkes in writing, to the Enquest, where in ancient time they were, after an Exhortat on given by the Justices for the observation of the Lawes of the Kings peace, first read distinctly and openly in the full Court, and then delibered in writing to the grand Enquest. An example of these Chapters there is in the Book of Assises, fol. 138. Placito 44.

Chapleine.

CHaplein is he that performeth divine Service in a Chappell, and therefore is commonly used for him that dependeth upon the King, or other man of worth, for the instruction of him and his family, the reading of Prayers and Preaching in his private House, where usually they have a Chappell for that purpose.

And for that they are retained by Letters under the Seal of their Patron, and thereby by indentment are to be resident with them, the Law hath therefore given liberty for their Non-residency upon their Benefices.

If an Earle or Baron retaineth a Chapleine, and before his advancement be attainted of treason, there the Retainer is determined, and after the attainder such Chapleine cannot take a second Benefice, because he that is attainted is by his Attainder a dead Person in Law. And what persons of the Nobility and other may retain, and how many Chapleins respectively they may retain, the Statute of 21. H. 8. cap. 13. doth well declare.

The

The Wife of a Baron, during the Coverture cannot retain a Chaplaine, yet when a Baronelle Widow retaineth one or two, according to the Proviso of the said Statute, the Retainer is the principal matter, and as long as the Retainer is in force, and the Baronelle continueth a Baronelle, the Chaplaines may well take two Benefices by the express Letter of the Stat. for it sufficeth if at the time of the Retainer the Baronelle were a Widow: and herein this Rule is to be observed of a woman that attaineth Nobility by marriage, as by marriage of a Duke, Earle, or Baron, &c. for in such case if she afterward marry under the degree of Nobility by such marriage with one that is not Noble, she loseth her Dignity whereunto she had attained by marriage, and after such latter marriage, the power to retain a Chaplain is determined. But otherwise it is where a woman is Noble by Descent, for there her Retainer before or after the marriage with one that is not Noble, shall be in force, and is not countermanded by the marriage, nor determined by her taking of a husband under her degree, Coke lib. 4. 118, 119.

Chapter.

Chapter in Latine is defined to be an assembly of Clerkes in a Church Cathedral, coventual, regular, or collegiat, and in another signification, a place wherein comon tracts of men Collegiat are made, and it hath other significa-

La Feme d'un Baron durent le Coverture ne poit reteigne un Chapleine, uncore quant un Baronelle widdow reteigne un ou deux, solongue le Proviso del dit Act: cest reteigner est le principal matter, & si longe come le reteigner est en force, & le Baronelle continue un Baronelle, les Chapleines bié poyent accepter deux Benefices p l'expresse letter del Act, car il suffist, si al temps del reteigner, le Baronelle fuit Widdow. Et en ceo cest rule est destre entend dun Feme que atteigne Nobilitie per Marriage, cōc p marriage dun Duke, Count, ou Baron, &c. car en tiel case sel apres marrier desouth le Degree de Nobilitie, per tiel marriage oue un que est ignoble, el perde sa dignity a que el ad attaine per marriage, & apres tiel darreine marriage, le poyar de reteyn' un Chapleine est determine. Mes autrement est ou feme est noble per descent, car la sa deteiner devant ou apres le marriage oue un que est ignoble serra en force, & nemy countermaund per le marriage, ne determine per sa prisel dun baron desouth sa degree, Coke lib. 4. 118. 119.

Chapter.

Chapter en Latine est define destre *congregationem Clericorum in Ecclesia cathedrali, conventuali, regulari, vel collegiata*, & en aut significac' *locū in quo fiunt cōmunes tractatus collegiatorum*, & il ad auters significati-
ons,

The Exposition of

ons que ne pas appent a nostre
purpose : & poet estre dit, que
cē collegiat society est appel'
Chapē metaphore, le pol ori-
ginalmēt impliont un petit teste,
car cē society ou corporatiō est
sicome un teste, non seulement a
gard' & gōūn le diocesse en le
vacatiō del Euesquery, mes au-
xy en plusors choses d' adviser
Levesque qnt le Sea est pleine.

Charge.

Charge est lou un home
grāta un rent issuant hors de
son terre, & que si le Rent soit
arere, que serra loyal a luy, ses
heires, & assignes, a distreyner
tanque le Rent soit pay, cē ap-
pel un Rent-charge. Mes si un
grant un Rent-charge hors del
terre d'un auter, cōment puis
il purchase la terre, uncore le
grant est voyd.

Charter-land.

Charter-terre est tiel que
home tient per charter, cest
adire, per evidence en escript, q
auterment est appel franktene-
ment. Copihold terres devaunt
le Conquest fueront p les Sa-
xons appelle Folkeland, & les
Charē terres Bockland. Et
Monsieur *Lambert* en sō expli-
cation de Saxō pols, dit, Que
cest terre fuit tenuus oue plus
facile & cōmodious conditions
que folkeland ou Copihold ter-
re ten^s sauns escript : Et sō rea-
son est, pur ceo que il est un
frank & imune Inheritance, ou
terre sans escript est charge oue
payments & servitude, q p le

tions which appertain not to our
purpose : and it may be said that
this collegiat compaignie is termed
Chapter metaphozically, the
word originally implying a lit-
tle head, for this company or cor-
poration is as a head, not onely
to rule and govern the diocesse in
the vacation of the Bishoppicke,
but also in many things to advise
the Bishop when the See is full.

Charge.

Charge is where a Man gran-
teth a Rent issuing out of his
ground, and that if the rent be be-
hind, it shall be lawfull for him
his heires, and assignes, to dis-
treins till the rent be payd, this
is called a Rent-charge. But if
one grant a Rent-charge out of
the land of another, though after
he purchase the Land, yet the
Grant is void.

Charter-land.

Charter-land is such as a man
holdeth by Charter, that is to
say, by evidence in writing, which
otherwise is called free-
hold. Copyhold Lands before the
Conquest, were by the Saxons
called Folkeland, and the Char-
ter lands, Bockland. And M.
Lamb. in his Explication of Sa-
xon words, saith, That this land
was held with more easie & com-
modious conditions than folke-
land & Copyhold land held with-
out writing : And his reasons,
because it is a free & absolute in-
heritance, where Land without
writing is charged with paymēt
and bondage ; that for the most
part

part men noble and of good qual-
tie possesse the former, the other
is possessed by lay Countrey-
men, the first we call *Freehold*
and by Charter, the other, *Land*
at the will of the Lord.

If a ryot, rout, or unlawful
assemble be committed and done,
then by the Statute of 19. H. 7.
cap. 13. twenty men inhabiting
within the Countie where the
ryot, &c. is made, (whereof eve-
rie of them shall have lands and
tenements within the same shire
to the yeerely value of twenty
shillings of charterhold or free-
hold, or twenty shillings of co-
pyhold) shall make enquiry thereof.

Charters.

CHarters of lands are writings,
deeds, evidences, and instru-
ments, made from one man to an
other, upon some estate conveyed
or passed between them of lands
or tenements, shewing the names
place, and quantitie of the land,
the estate, time, and manner of
the doing thereof, the parties to
the estate delibered and taken, the
witnesses present at the same, with
other circumstances.

Charter partie.

Charter partie is an Indenture
of covenants and agreements
made between Merchants and
Mariners concerning their Sea
affaires: and of this you may
read in the statute now out of use
that was made in 32. H. 8. c. 14.

Chafe.

Chafe is taken two waies, first
to drive cattell, as to chafe a

greind' part homes de nobility
& bone quality possessor le pri-
mer, l'autre est possesse p lay &
rustick hoës, le prim nous ap-
pellom' *Frākteneant*, & p Charē
l'autre terre al volūnt del Seig-
nior. Si riot, rout, ou illoyal
assembly soit commise & fait,
donque per le act de 19. H. 7. c.
13. vingt homes inhabitant deins
le Countie ou le Ryot, &c. est
fait, (de que chescun de eux
avera terres & tenements deins
mesme le countie, al annuel va-
lue de vingt soulze de charter-
hold ou franktenement, ou vine
& six soulze de Copihold) fer-
ront enquiry de ceo.

Charters.

CHarters de Terres sont E-
scripts, Faits, Evidences, &
instruments, fait de un hōe al aūē,
sur ascun estate conveyed ou
passed perenter eux de terres
ou tenements, monstrant les
nosmes, lieu, & quantity del
terre, le estate, temps, & man-
ner del feafans de ycel, les par-
ties a le estate deliver & prise,
les tesmoignes present al ceo,
ou auters circonstances.

Charter-party.

Charter-party est un Inden-
ture des covenants & agree-
ments fait enter Merchants &
Mariners touchant leur mari-
time affaires: Et de ceo poyes
lier en lestatute ore obsolete
fait 32. H. 8. cap. 14.

Chafe.

Chafe est prise deux voyes,
primerint a driver cattel, fi-
come

The Exposition of

come a chafer un distresse a un Fortlet; seconderment, est use pur un receit pur Dames & avers del Forest, & est d'un nature pe-
rerer un forest & un park, este-
ant comunement meins q un Fo-
rest, & ney endow oue tous li-
berties, come oue courts de at-
tachment, swainmote, & Justice
seat, & unc' d'un pluis large co-
pas, & ayant pluis diversite del
gardias & game q un park. M.
Crompt. en so liu de Jurisdiction,
f. 148. dit, que un Forest ne poit
estre en les maines d'un subject,
mes il immediatment perde le
nosm, & devient un chafe: Et
unc' f. 197. il dit, q u subject poit
estre s'nr & own d'un forest, le ql
niét obstat q seble cotrary un-
core sot abideux ses dits, e ascu
fence voyer; car le Roy poit don
ou alienater un Forest a u sub-
ject, uncore issint q quat il est
un fois en le subject il perd le
voyer, p'p'rtie d'un Forest, pur
ceo q les Courts des *swainmote*,
Justice seat & *Attachement*, im-
mediatment vanie; Nul esteant able
de faire un Seignior chiefe Ju-
stice in Eyre del Forest forsque
le Roy, sicome Monsieur *Man-
wood* ad bie mostre en so liver
de *Forest Leys*, cap. 3. & 4. Et un-
core poit estre grantus en tiel
large manner que la poit estre
Attachement & *swainmote*, & un
court equivalét a un Just. seat,
come appiert p luy en mesm le
cap. num 3. Issint que un chafe
distert de un Forest e ceo, pur
ceo q poit estre en les maines
d'un subject, q un Forest e son
proper & voier nature ne poit

distresse to a Castle; secondly, it
is used for a receit for Wote and
beasts of the Forest, and is of a
middle nature betwene a Forest
and a Park, being commonly lesse
than a Forest, & not endued with
so many liberties as with courts
of attachment, Swainmote, and
Justice seat, and yet of a larger
compass, and having greater di-
versity of keepers and game than
a Park. M. Crompt. in his booke
of Jurisdia. f. 148. saith, That a
Forest may be in the hands of a
subject, but it presently loseth the
name, & becommeth a chase: And
yet fol. 197. he saith, That a sub-
ject may be Lord and owner of a
Forest, the which notwithstanding
that it seemeth contrary, yet
are both his sayings in some sense
true; for the King may give or a-
lienate a Forest to a subject, yet
so, that when it is once in the sub-
ject, it loseth the true property of
a Forest, because the Courts of
Swainmote, Justice seat, and At-
tachment, presently vanish, none
being able to make a Lord chiefe
Justice in Eyre of the Forest but
the King, as Master Manwood
hath well shewed in his Booke of
Forest Lawes, cap. 3. & 4. And yet
it may be granted in such large
manner, that there may be At-
tachment and Swainmote, and a
Court equivalent to a Justice
seat, as appeareth by him in
the same Chapter, Num. 3. So
that a Chase differeth from a
Forest in this, because that it
may be in the hands of a subject,
which a Forest in his proper
nature cannot be, and from a
Park

Parke in this, that it is not inclosed, and hath not onely a larger compasse and more store of Game, but of keepers also and overseers, See Forest.

Chauntry.

Chauntry is a Church or chapel endued with lands or other yearly revenues for the maintenance of one or more Priests, to sing Masse daily for the soules of the donors, & such others as they appoint. And of these you may read in the Statutes made 37. H. 8. cap. 4. & 1. E. 6. cap. 14.

Chevage.

Chevage is a summe of money paid by Villains to their Lords in acknowledgement of their servitude, the which Bracton lib. 1. cap. 10. thus defineth; Chevagiū dicitur recognitio in signum subjectionis & dominii de capite suo. It seemeth also to be used for a summe of money given by one man to another of power & might for his avowment, maintenance, and protection, as to their head or leader: Master Lambert writeth it Chivage or rather Chiefage.

Chevisance.

Chevisance comes from the French word Chevir, that is to come to the end or head of a business. And because the perfecting of a bargain, is the drawing of the matter to the head, this word Chevisance is used for bargaining in the Statutes of 37. H. 8. cap. 9. & 13. Eliz. cap. 7. & 8.

estre, & de un Park en ceo, que nest inclose, & ad nō soleint un plus large cōpas & plus store de Game, mes de Gardiās auxy & Supervisors, Vide Forest.

Chauntry.

Chauntry Cantaria est un eglise en chappel endow oue teris ou auf ānuall revenewes p le meintenance dū ou plusors Priests, d Chaüter Masse d jour ē jour p les almes des donors & tiels auters q ils appoint. Et de ceux poies lier en lestatutes 37. H. 8. cap. 4. & 1. E. 6. cap. 14.

Chevage.

Chevage est un sun d argent pay p Villens a lour Seigniors en conusans de lour villenage, le quel Bracton lib. 1. cap. 10. issint define en Latin, Chevagiū dicitur recognitio in signum subjectionis & dominii de capite suo. Semble auxy destre usē pur un sun d argent done p un home al auter de poyer & potēcie pur son avowment, maintenance & protection, sicome a lour teste ou conductor: Mast. Lambert ceo escrie, Chivage ou potius Chiefage,

Chevisance.

Chevisance venust del parol Francois Chevir, id est, de vener al chiefe de quel q chose. Et pur ceo q le perfection dū bargain est le porter del matter al fine c' peroll Chevisance est usē p bargainer en le Statutes. 37. Hen. 8. cap. 9. & 13. Eliz. cap. 7. & 8.

Childwir,

The Expolition of

Childwit.

CHildwit, *hoc est, quod capitis gersum de nativa vestra, corrupta & pregnata sine licentia vestra.*

Chimin.

CHimin est le haut voy-lou chescū home passa q̄ est appel *Via Regia*, & uncore le Roy nad aūt chose la forsq; le passage pur luy & son people, car le franktenem̄t est en le Seignour del soile, & tous les profits creffants la, come arbres, & auter choses.

Et ceo est divide ē deux sorts, *Via Regia*, de que est parle devant, & *Via privata*, ou *Chiminus privatus*, & ceo est un voy p̄ q̄ un hōe ou pluis ont libertie a passer, ou p̄ prescription, ou p̄ charter, sur le terre dun auter home: Et ceo est divide en chimin en grosse, & chimin appendant, *Kytch. fol. 177.* Chimin en grosse, est ceo voy que home tient principalmt̄ & selement en luy meisme: Chimin appendant est ceo q̄ home ad adjoin a ascun auter chose, cōc appertinant a ceo: Pur exemple, si home prift un close ou pasture, & ad covenant pur ingresse & egressse, al & de mesne le dit close p̄ ascun auter terre, p̄ q̄ autermt̄ il ne poit passer: Ou chimin en grosse poit estre ceo, q̄ les Civilians appel personel, Come quant un covenāt pur un voy sur le terre d'un auter hōe pur luy meisme & ses heires: Chimin appédant eonverlo, poit estre ceo que ils ap-

Childwit.

CHildwit, that is, that you may take a fine of your bondswoman, defiled, and begotten with childe without your licence.

Chimin.

CHimin is the high way where every man goeth which is called *Via Regia*, and yet the King hath no other thing there but the passage for him and his people, for the freehold is in the Lord of the soile, and of the profits growing there, as trees, and other things.

And it is divided into two sorts, the Kings way, of which is spoken before, and a private way, or private passage, and this a way by which one man or more have liberty to passe either by prescription, or by writing, through the land of another man: And this is divided into a way in grosse; and a way appendant, *Kir. fol. 177.* Chimin in grosse, is that way which a man holdeth principally and solely in it selfe: Chimin appendant, is that which a man hath adjoynd to some other thing, as appertaining thereunto: For example, if a man hireth a Close or Pasture, and hath a covenant for ingresse and egressse, to & from the said Close through the ground of some other, through which otherwise he might not passe: Or a way in grosse may be that which the Civilians call personall, as when one covenanteth for a way through the ground of another man, for himselfe and his heires: A way appendant on the

the other side, may be that which they call reall, as when a man purchaseth a way throught the ground of another man, for such as do dwell, or shall dwell in this or that house, or that be the owners of such a manor for ever.

Chiminage.

CHiminage, is a toll that is paid for a mans passage thorow a Forest, to the disquiet of the wilde beasts of the Forest.

Chirographer.

CHirographer is he that in the common Bench office, ingrosseth fines acknowledged in that Court into a perpetuall Record, after that they are acknowledged and fully passed, by those Officers by whom they are first examined, and that writeth and delivereth the indentures, one for the buyer, and another for him that selleth, & maketh another indented peece containing also the effect of the fine, which he delivers over to the Custos brevium, that is called the foot of the fine. The Chirographer also or his deputy, proclaimeth all the fines in the Court every terme, according to the Statutes, and then repairing to the Office of the Custos brevium, there endroseth the proclamations upon the backside of the foot thereof, and alwayes keepeth the writ of Covenant, as also the note of the fine.

Chivalry.

CHivalry is a tenure of land by Knights service, for the better

pel real, sicome quaut home, purchase un voy per le soile d'un autre home, pur tiels que inhabitont ou inhabiteront en ceo ou cest meason, ou que sont les owners de tiel manor a tous jours.

Chiminage.

CHiminage, est un toll que est done pur passage per un Forest en disturbance des feres del Forest.

Chirographer.

CHirographer est celuy que en le office del common banke, engrosse fines connus en cest Court en un perpetual Record, puis que ils sont connus & pleinement passe, per ceux Officers per queux ils sont primerement examine, & que escry & deliver les Indentures, un pur le purchasor, & autre pur le vendor, & fait un autre escrow endented, contenant auxy le effect del fine que il deliver ouster al *Custos brevium*, que est appel le pee del fine. Le Chirographer auxy ou son deputy proclaimie tous les fines en le court chescun terme accordant al statute, & donques en alant al office del *Custos brevium* la endorce les proclamations sur le dorse del pee de ceo, & tous foits retaine le Briefe de covenant, come auxy le note del fine.

Chivalry.

CHivalry est un tenure de terre p service de Chivaler, per le

The Exposition of

le meux intelligence de que est distre con^o que la nest asc^e terre mes il est tenu mediatment ou immediatmt del Corone per asc^e service ou auf, & pur ceo, tous nostre Frâktenemts qⁱ sôt a nous & a nostre heires appel fees, cœ ensuâts de le benefit le Roy pur petit afual rêt, & le pformance de tiels services que originalment fueront impose sur le terre al donation de ceo : Car sicome le Roy done a ses Nobles ses immediate tenants graund possessions a tous jours a tener de luy p^r celuy ou tiel rent & service, issint ils arere en temps divide oufter, a tiels que pleist a eux, lour fres issint receive del boutry le Roy pur rents & services come a eux semble bien: Et ceux services sôt tous p *Littleton* divide é deux sorts, Chivalry & Socage; l'un martial & military, l'auter rural & rustical. Chivalry, Pur ceo, est un tenure p^r qⁱ le tenant est lye a pformer ascun noble ou military office a sô Seignior, & est de deux sorts, ou Regal, cest a sâvoir, tiel qⁱ poit estre tenu solement del Roy, ou tiel que poit auxy estre ten^o d'un common person cibien cœ del Roy. Ceo qⁱ poit tener solement del Roy, est properment appel *servitium* ou sergeantia, & est auxy arere divide é Grâd & Petit Serjeanty: Grâd Serjeanty est ceo ou hœ tient terres del Roy p service que il devoir faire en sô pson demesne a luy. come a port le banⁿ le Roy, ou son lance, ou de amesner son hoast, ou destre son marshal,

understanding whereof it is to be knowne, that there is no land but it is held mediately or immediately of the Crowne by some service or other, and therfore all our freeholds that are to us and our heires called fees, as proceeding from the benefit of the King for some small yearly Rent, and the performance of such services as originally were imposed upon the land at the giving thereof: for as the King gave to his Nobles his immediate tenants great possessions for ever, to hold of them for such or such Rent or service, so they again in time parcelled out to such as pleased them, their lands so received of the Kings bounty, for rents and service, as to them seemed good: And the services are all by *Littleton* divided into two sorts, Chivalry and Socage; the one martial and military, the other clownish and rustical. Chivalry therfore is a Tenure whereby the Tenant is bound to performe some Noble or military Office to his Lord, and is of two kindes, either Regal, that is to say, such as may be held onely of the King, or such as may also be held of a common person as well as of the King. That which may hold onely of the King, is properly called *servitium* or sergeantia, and is also again divided into Grand and Petit Serjeanty: Grand Serjeanty is that where a man holdeth lands of the King by service which he ought to do in his owne person unto him, as to carry the Kings banner or his spear, or to lead his

his host, or to be his Marshall, or to blow a horn when he seeth his enemies invade the land, or to finde an armed man to fight with in the four seas, or to do it himselfe, or to carry the Kings sword before him at his Coronation, or at that day to be his Sewer, Carver, Butler, or Chamberlaine.

Petit Serjeanty, is where a man holdeth land of the King to pay unto him yearly a bow, or a sword, or a dagger, or a knife, or a spear, or a pair of globes of mail, or a pair of spurres of gold, or to give such other small things concerning the war.

Chivalrie that may hold of a common person as well as of the King, is called Escuage, service of the sheild, and this is either uncertaine or certaine. Escuage uncertaine is also of two kinds; first, where the tenant by his tenure is bound to folloiw his Lord going in person to the Kings warres against his enemies, either himselfe, or send a sufficient man in his place, there to be maintained at his costs so many dayes as were agreed upon betwene the Lord and his first tenant at the granting of the fee. And the dayes of such service seem to have bene rated by the quantite of the land so held: As if it extendeth to a whole Knights fee, then the tenant was bound so to attend his Lord 40. dayes; and a Knights fee was so much land as in those dayes was accounted a sufficient living for a Knight, and this was 80. acres, by the opinion of some, or eight hundred, as others think,

on a ventier un cornu quant il vint ses ennemis invade le terre, ou de trouver un homme array de pugner deins le quater meres, ou de faire ceo luy m, ou de porter le espee le Roy devant luy a son Coronation, ou a cel jour destre son sewer, carver, butler ou chamberlaine.

Petit Serjeanty est ou un hœ tient fœre del Roy de rœder, a luy annuelm un arke, ou un espee, ou un dagger, ou un cuttel, ou un launce, ou un paire de gants de ferre, ou un pair de spoors d ore, ou de rœd auſi tiels petit choses touchant le guerre.

Chivalry que poit tener d'un cōmon pson cōbien cōe del Roy, est appel escuage *servitiū scuti*, &c. est ou uncertaine ou certaine. Escuage uncertaine est auxy de deux sorts, primerment, ou le tenant p son tenure est lie d attainer son Seignior alant en pson al guerres le Roy évers ses ennemis, ou luy mesme ou mitter un sufficient hœ en son lieu la destre maintaine a ses costs tants des jours, cœ fueront agree perenter le Signior & son primer tenant al grantant del fee. Et les jours de tiel service, semble destre assesse per le quantity del terre issint tenus: cœ si ceo extend a un entier fee de Chivaler, donque le tenant fuit lie issint d attender son Seignior 40. jours; & un fee de Chivaler fuit tant de terre come en ceux jours fuit account un sufficient viver pur un Chivaler, & ceo fuit 680. acres, p l'opinio de ascūs, ou 800. cœ autres sem-

The Exposition of

blant, ou 15. liuers p l'an: *Cambdens Brittan. fol. 100.* Si le terre extende forsque al moitie dū fee de Chivaler, donque le tenaunt est lie dattender son Seignior, come est avātdit, mes xx. jours, si a un quart pt, donque x. jours *Fitz. N. B. fol. 83. c. & 84. c. e.* Lauter kind D'escuage uncertaine est appel Castle-gard, ou le Tenant per son fre est lie, ou per luy mesme, ou per ascun auter, a defender un castle si tost come aveña a son course.

Escuage certaine est ou le Tenant est assesse a un certaine summe D'arge destre payen lieu de tiel uncertaine service, come q un home payera aūalint pur un fee de Chivaler, xx.s. pur le moity 10.s. ou ascun tiel rate. Et cest service, pur ceo que est trahe a un certaine Rent vient destre dun mixt nature, nient meurement Socage, car ne olet passé del carve, & uncore Socage en effect, esteant jammes neque personal service, neque uncertaine. Cest Tenure appelle Chivalry ad auters Conditions annexé a ceo, come Homage, Fealty, Cardship, Reliefe, & Marriage, *Bratt. lib. 2. cap. 35.* & q ils signifie, veies en lour several lieux. Chivalry est ou general ou special, *Dyer fol. 161. plac. 47.* General semble destre ou est solement dit en le Feoffement q le Tenant tient per *Servitium militare*, sans ascun specification de Sergeanty, Escuage, &c. Special est ceo que é declare particulierment per quel kind de service de Chivalry il tient.

or fiftene pounds by the yeare: *Cambdens Brittan. fol. 110.* If the land extendeth but to the moitie of a Knights fee, then the Tenant is bound to follow his Lord, as is aforesaid, but 12. dayes, if a fourth part, then ten dayes, *Fitz. N. B. fol. 83. c. & 84. c. e.* The other kind of Escuage uncertaine is called Castle-ward, where the Tenant by his land is bound either by himselfe or some other, to defend a Castle as often as it shall come to his turne.

Escuage certaine is where the Tenant is assessed to a certaine summe of money to bee paid in stead of such uncertaine service; as that a man shall pay yearly for a Knights fee xx. s. for the halfe x. s. or any such rate. And this service because it is drawne to a certaine rent, commeth to be of a mixt nature, not merely Socage, for it smelleth not of the Plow, and yet Socage in effect, being now neither personall service, nor uncertaine. This Tenure called Chibalrie hath other conditions annexed thereunto, as Homage, Fealty, Wardship, Reliefe, and Marriage, *Bracton lib. 2. cap. 35.* And what they signifie, see in their severall places. Chibalrie is either generall or speciall, *Dyer fol. 161. placito 47.* Generall seemeth to bee where it is onely said in the Feoffement, that the Tenant holdeth by Knights service, without any specification of sergeantie, escuage, &c. Spectal is that which is declared particularly what kind of Knights service he holdeth by,

Things

Things in Action.

THings in Action is when a man hath cause, or may bring an action for some duty due to him, as an Action of Debt upon an Obligation, annuity, or Rent, Action of Covenant, or Ward, Trespass of goods taken away, beating, or such like, and because that they are things whereof a man is not possessed, but for recovery of them is driven to his Action, they are called things in Action. And those things in Action that are certain, the King may grant, and the grantee may use an Action for them in his owne name onely. But a common person cannot grant his thing in Action, nor the King himselfe cannot grant his thing in Action, which is uncertain, as Trespass, and such like.

Churchwardens.

Churchwardens are Officers yearly chosen by the consent of the Minister and the Parishioners, according to the custome of every severall place, to see to the Church, Churchyard, and such things as belong to both, and to marke the behaviour of the Parishioners for such faults as appertain to the jurisdiction or censure of the Ecclesiasticall Court. These are a kinde of Corporation and are enabled by Law to sue for any thing belonging to their Church, or the Poor of the Parish. See Lambert his Book of the duty of Churchwardens.

Chose en Action.

Chose en Action est quaut un home ad cause, ou poyt porter un Action p al duty due a luy, come un acc'de Dette sur un Obligation, Annuite, ou rent; Action de Covenant, ou Gard, Trespas des biens import, Battery, ou tielx semblables, & pur ceo que ils sont choses de queux un home nest possesse, mes pur recovery de eux est mis a son Action, ils sont appellees choses en Action. Et ceux choses en action que sont certaine, le Roy poit graunta, & le Grauttee poit user un Action pur eux en son nosme demesne solemt. Mes un common person ne poit grant son chose en Action, ne Roy luy mesme ne poet grater s chose e Action, quel est uncertain, coe Trespas, & tiels semblables.

Gardians Desglise.

Gardians desglise sont Officers anualmt elect p le conseil del Minister & les parochiās, accordant al custome de chescū severall lieu, a vier al Esglise, Cemiter, & tiels choses queux appent al ambideux, & de observer le gesture des parochiās, pur tiels crimes que appertaine al jurisdiction ou censure del Court Ecclesiastical. Ceux sont un kind de Corporation, & sont enable per Ley, de suer pur aucun chose apperteignant a lour Esglise, ou les Povers del Paroche. Vies Lambert son Lieure del dutie des Gardians del Esglise.

The Exposition of

Churcheslet.

CHurcheslet est un parol de que Flet. l. i. c. 47. en le fine, issint escry: *Certam mensuram bladi tritici significat, quam quilibet olim Sancte Ecclesie die Sancti Martini tempore tam Britonũ quam Anglorum contribuerunt. Plures tamen Magnates, post Romanorum adventum illam contributionem secundum veterem Legem Moyse, nomine primitiarum dabant, prout in breve Regis Kanuti ad summũ Pontificem transmissio, continetur, in quo illam contributionem Chirchsed, appellant, quasi semen Ecclesie.*

Cinque Ports.

CINQUE Ports sũt certain Haven Villes, cinque en nõbre, cestascavoire, Hastings, Romney, Heth, Dover, & Sandwich, as queux ad este grã long tẽps passẽ mult liberties, (que auters port villes nont) & ceo primment en le temps del Roy *Edovart* appel le Confessõr, (que fuit devant le conquest) & tũc encrease apres, & ceo especialment en les jours del troys *Edovarts*, le prim, second, & le tierce, (apres le Conquest) come appiert in le liũ d̃ *Domesday*, & auter vieux monuments, queux en cẽ liũ ferront trope longe de recire,

Circuity de Actiõ.

Circuity de Actiõ est quãt un Actiõ est droituralmẽt port pur un duty, mes uncore circũ

Churcheslet.

CHurcheslet, is a word whercof Flet. lib. i. ca. 47. in the end thus writeth: It signifieth a certaine measure of wheat corne, which in times past every man on *S. Martins* day gave to Holy-Church, as well in the time of the Britons as of the English, yet many great persons after the comming of the Romans, gave the Contribution, according to the ancient Law of *Moses*, in the name of first-fruits, as in the writ of King *Kanutus* sent unto the Pope, is contained; in which they call that Contribution *Chirchsed*, as one would say, Church-seed.

Cinque Ports.

CINQUE Ports be certain Haven towneſe five in number, that is to say, *Hasting, Romney, Hethe, Dover, and Sandwich*, to which have been granted long time ſince, many liberties, (that other Port towneſe have not) and that firſt in the time of King *Edw. called the Confessor*, (who was befoze the Conquest) and hath been increased ſince, and that chiefly in the dayes of the three *Edwards*, the firſt, the ſecond, and third (ſince the Conquest) as appeareth in the *Book of Domesday*, and other old Monuments, which in this worke ſhould betoo long to recite.

Circuity de Actiõ.

Circuity de Actiõ, is when an action is rightfully brought for a duty but yet about the bush, as
it

it were, for that it might as well have been otherwise answered and determined, and the suit saved, and because that the same action was more than needfull, it is called *Circuity of action*: As if a man grant a *Rent-charge* of *x.li.* out of his *Manor of Dale*, and after the *Grantee* disseiseth the *Grantor* of the same *Manor of Dale*, and he bringeth an *Affise* and recovereth the land and *xx.li.* damages, the which *xx.li.* being paid, the *Grantee* of the *Rent* sueth his *Action* for *x.li.* of his *Rent* due during the time of the *Disseisin*, which if no *Disseisin* had been, he must have had, this is called *Circuity of action*, because it might have been more shortly answered, for whereas the *Grantor* shall receive *xx.li.* damages, and pay *x.li.* *Rent*, he might have received but the *x.li.* onely for the damages, and the *Grantee* might have cut off and kept backe the other *x.li.* in his hands, by way of *detainer* for his *Rent*, and so thereby might have saved his *Action*.

Circumstantibus.

Circumstantibus is a word of *Art*, signifying the supply and making up of the number of *Jurors*, if any impanelled do not appear, or are challenged by either party, by adding to them as many others of them that are present and standers by. See 35. *Henr.8.* cap.6. & 5. *Eliz.* cap.25.

le Bush, come semble, pur ceo, que ceo poet cybien estre auterment respondue & determine, & le suit save, & p ceo q mesme le *Actio* fuit pluis que besoigne, il est appel *circuity de Action*. Come si un home grant un *rent-charge* d *x.li.* hors de son *Manor de Dale*, & apres le *Grantee* disseisist le *Grantor* de mesme le *Manor de Dale*, & il port un *Affise*, & recoü le terre & *xx.li.* damages, le quel *xx.li.* esteant pay, le *Grantee* del rent sue son action p *x.li.* de son rent due durant le temps de le disseisin, le quel si nul disseisin ad este, il doit auer ewe, Cest appel *Circuity de Action*, p ceo q il poit au este pluis briefement respondue, car lou le *Grantor* doit receive *xx.li.* damages, & pay *x.li.* rent, il puit au receive forsque le *x.li.* solement pur les damages, & le *Grantee* puit auer recoupe & retaine arere le auter *x.li.* en ses maines per voy de deteyner pur son rent, & issint per icel poet au saue son *Action*.

Circumstantibus.

Circumstantibus est un parol de *art*, expressât le supplie & addition del nombre de *Jurors*, si ascun impanel ne appearont pas, ou sont challenge per ascun party, per adding a eux cy plurs auters de eux que sont present & circumstantes, *Vide* 35. *H.8.* cap.6. & 5. *Eliz.* cap.25.

The Exposition of

City.

City est tiel Ville Coporate, q̄ ad un Evesque & un Esglise Cathedral; & de ceo tiels pols s̄ot trove; *Idem Locus, Urbs, Civitas, & Oppidum appellatur; Civitas enim dicitur, quatenus cum Justitia & Magistratuū ordine gubernatur; Oppidum, quatenus est ibi copia Incolarum: & Urbs, quatenus Muris debito modo cingitur: Propriè autē dicitur Civitas, quæ habet Episcopum.* Uncore Monsieur Crompton, en son *Jurisdiction*, ou il menrion tous les Cities, omit Elye, nient obstant que ad un Evesque, & un Esglise Cathedral, & mita eins Westminster, nient obstant que jammes nad ascun Evesque. Et 35. *Eliz. ca. 6.* Westminster est appel un Citie: Et anno 27. *ejusd. cap. 5* (de statutes nient imprimee) Westminster est equalment appel un City ou Borough. Il appiert per le Statute de 35. *H. 8. cap. 10.* que donques la fuit un Evesque de Westminster. *Cassanæus* escrie, Que France ad deins les Territories de ceo 104. Cities, & il rend cest reason de ceo son dit, Pur ceo que la sont cy plusours Sees de Archievesques & Evesques.

Clack.

CLack, sic̄oe a clacker, forcer & bard Lane. 8. *H. 6. c. 22.* de q̄ le primer, viz. de clacker Læe, est de scinder le marke des Barbits, q̄ fait ceo destre de meind̄ poys, & issint de paier l̄ meind̄ custoe

City.

City is such a towne Corporate as hath a Bishop and a Cathedral Church, and hereof such words are found; The same place is called *Urbs, Civitas, and Oppidum*; It is called *Civitas*, in regard that it is governed in justice and order of Magistracy; *Oppidum*, for that there are therein great plenty of Inhabitants, and *Urbs*, because it is in due forme begirt about with wals. But that place is commonly called *Civitas*, which hath a Bishop. Yet Master Crompton in his *Jurisdiction*, where he reckoneth up all the Cities, leaveth out *Elie*; although it hath a Bishop and a Cathedral Church, and putteth in Westminster, notwithstanding that now it hath no Bishop. And 35. *El. c. 6.* Westminster is called a City; and An. 27. *ejusd. ca. 5.* (of Statutes not printed) Westminster is alternately called a City or Borough. It appeareth by the Statute of 35. *H. 8. c. 10.* that then there was a Bishop of Westminster. *Cassanæus* writeth, That France hath within the Territories thereof 104. Cities, and he giveth this reason of that his saying, because that there are so many Sees of Archbishops and Bishops.

Clack.

CLack, as to clack, force and bard wool, 8. *H. 6. cap. 22.* Whereof the first, viz. to clack wool, is to cut off the marke of the sheep, which maketh it to weigh lesse, and so to pay the lesse custome to the

the King : to force Wool, is to clip the upper and most hairie part of it: to bard oz beard wool, is to cut the head and neck from the other part of the fleece.

Claine.

Claine is a challenge by any man, of the propertie or ownership of a thing which he hath not in possession, but is withholden from him wrongfully, and the party that so maketh this claine, shall have thereby a great advantage, for by it in some cases he may avoyde a discent of lands, and by it in other cases he may save his Title, which otherwise should be lost. As if a man be disseised, and the disseisor maketh continuall claine, that is to say, if he claime the lands whereof he is disseised, within the yeare and day before the death of the disseisor, then may he enter notwithstanding the discent. Also if a fine be levied of another mans land, then he that hath right thereunto, ought to make his claine within five yeares after the Proclamation had, made, or certified, and this is by the Statute of 4. H. 7. cap. 24. But a stranger that hath no right cannot of his owne head enter, or make claine in the name of him that hath right to avoyde the fine within the five yeares, without commandement precedent, or assent subsequent: yet guardian for education, or in Socage, may enter or make claine in the name of the infant that hath right to enter or make claine, and this shall helpe the estate of the

al Roy : de forcer Lane, est de clip p le ouster & plus crineous pt de ceo : de bard ou beard Lane, est de scinder le teste & colle del auter part del toyson.

Claine.

Claine est un challenge per ascun home, de le propertie ou ownership de un chose que il nad en possession, mes est de teigne de luy torcionement, & le party que issint fait son claine, prendra per ceo un grand advantage : car en ascun cases il poyt per ceo avoyder un discent de terres, & en ascun case il per ceo savera son title, que autrement serroit parde. Come si home soit disseise, & le disseise fait continuall claine, cest adire, sil claime les terres dont il est disseise, deins le an & jour devaunt le mort le Disseisor, donque poit il enter, nient obstant le discent. Auxy si fine soit levie del terre a un auter home, donque cestuy que ad droyt a ceo, doit faire son claine deins cinque ans apres le Proclamation ad, fait, ou certifie, & ceo est per Lestatute de 4. H. 7. cap. 24. Mes un estrangeur que nul droit ad ne poit de son teste demesne enter, ou faire claine en le nosme de cestuy que droit ad de avoyder le Fine deins le cinque ans, sauns commandement precedent, ou assent subsequent : uncore gardien pur nurture ou en Socage, poit enter ou faire claine en le nosme del enfant que ad droit de enter ou faire claine, & ceo aydera l'estate del enfant,

The Exposition of

enfant, sans aucun commandement, ou assent, car la est privie enter eux.

infant, without commandement, or assent, for there is privie betwene them.

Clergie.

CLergie est prise divers voyes, ascū foits pur tout le nombre de hōes de Religion; ascū foits pur un plee a un indictment, ou Appeale, & est define destre un auncient Libertie d' esglise, confirmee en divers Parliaments. Et est q̄s̄t un hōe est arraigne d' Felony, ou tiels semblables, devant un temporal Judge, &c. & le prisoner pria son Clergie, cest adire, pur aver son lieu quel en auncient temps fuit autāt sicome il uist prie destre dismis̄se del Tēporall Judge, & dēe deliver al Ordinarie de purger luy mesme de m̄ offence: Et dōques le Judge cōmandera le Ordinarie de trier sil poit lier cōe un Clerk en tiel lieu & lieu cōe le Judge assignera. Et si le Ordinarie certifie le Judge que il poit, donques le prisoner navera judgement de perdre son vie; Mes cest libertie de Clergie est restraine per les Statutes de 8.Eliz. cap.4. an.14. ejusd. cap.5. an.18. ejusd. cap.4.6.7. & 23. ejusd. ca.2. & 29. ejusdē cap.2. & 31. ejusd. cap.12. & 39. ejusd. cap.9. & 15. Vies *Cromptons Justice de Peace*, fo.102. &c. Et *Stamford lib.2. cap.41*, Et Statute de 18.Eliz. cap.7. per q̄ Clerkes ne sont destre deliver a lour Ordinaries destre purgē, mes iāmes chescū hōe, coment nient deins orders, est mis a lier al bar esteāt troue culpable & convict de tiel felony p̄ que cest benefit

Clergie.

CLergie is taken divers wayes, sometimes for the whole number of Religious men; sometimes for a Plea to an Indictment, or Appeale: And is defined to be an auncient liberty of the Church, confirmed in divers Parliaments. And it is when a mā is arraigned of Felony, and such like, before a temporall Judge, &c. and the Prisoner prayeth his Clergie, that is to say, to have his Woke, which in auncient time was as much as if he desired to be dismissed from the temporall Judge, and to be delivered to the Ordinary to purge himselfe of the same offence: and then the Judge shall command the Ordinary to trie if he can read as a Clerke in such a booke and place as the Judge shall appoint. And if the Ordinary certifie the Judge that he can, then the prisoner shall not have judgement to lose his life; but this liberty of the Clergie is restrained by the Stat. of 8.Eliz. ca.4. an.14. ejusd. c.4.6.7. & 23. ejusd. ca.2. & 29. ejusd. c.2. & 31. ejusd. ca.12. & 39. ejusd. c.9 & 15. See *Crompt. Justice of Peace*, fol.102. &c. And *Stamford lib.2. c.41*. And the Statute of 18. Eliz. cap.7. by which Clerks are not to be delivered to their Ordinaries to be purged, but now every man though not within orders, is put to read at the barre being found guiltie, and convicted of such felony for which this benefit is still granted,

granted, & so burned in the hand, and set free the first time, if the Ordinarie Commissary, or Deputy saith, He readeth as a Clerk, or otherwise he suffereth death for his transgression.

Clerke.

Clerke hath two significations; one as it is the title of him that belongeth to the holy Ministrie of the Church; that is in these dayes either Minister or Deacon of what other degree or dignitie soever, although that in ancient time not onely Sacerdotes & Diaconi, but also Subdiaconi, cantores, Acoluthi, Exorcista, and Ostiarii, where within this account, as they are at this day where the Canon Law hath full power: And in this signification a Clerke is either religious (otherwise called regular) or secular, 4.H.4.cap.12.

The other signification of this word, noteth such as by their function or course of life, use their pen in any Court or otherwise, as namely the Clerke of the Rolles of the Parliament, Clerks of the Chancerie, and such like.

Clerke attaint.

Clerk attaint is he, which prayeth his Clergie after judgement given upon him of the felonie, and hath his Clergie allowed, such a Clerke might not make his purgation.

Clerke convict.

Clerke convict is he, which prayeth his Clergie before judgement given upon him of the

est uncore grant & issint arse en le maine, & enlarge pur le premier temps, si le Commissarie ou Deputie del Ordinary dit, *Legit ut Clericus*, ou autrement il souffre mort pur son peche.

Clerke.

Clerke ad deux significations; un cœ est le title de celuy q̄ appertinent al sanct Ministrie del Esglise, cestascavoir, en ceux jours, ou Minister ou Deacon de quecunque autre degree ou dignitie nient, obstant q̄ en pristine temps non solemt *Sacerdotes*, & *Diaconi*, mes auxy *Subdiaconi*, *Cantores*, *Acoluthi*, *Exorcista*, & *Ostiarii*, fuerôt deins cest accoût, sicome ils sont a cest jour ou le ley Cannô ad pleine poiar: Et en cest signification un Clerke est ou religious (auẽt appel regular) ou secular, 4.H.4. cap.12.

L'auter signification de cest parol, denote tiels que pur leur fonction ou course de vie, usont leur plume en ascũ Court ou autrement, come nosmerẽt le Clerke des rotules del pliaint, Clerkes del Châcerie, & tiels semblables.

Clerke attaint.

Clerke attaint est celuy, que pria son Clergie apres judgement sur luy done de Felony, & ad son Clergie allow, tiel Clerk ne poit faire son purgation.

Clerke convict.

Clerke convict est celuy, que pria sō Clergie devãt judgement done sur luy de le Felony, &

The Exposition of

& ad le Clergie a luy grant, tiel Clerke puit faire son purgation. Nota que cel purgation fuit fait, quant il fuit dismissé al Ordinarie, la destre trie del enquest del Clerkes: Et que ceo ore per le Stat. 18. *Elizab. cap. 7.* nul tiel est misse al Ordinarie.

felonie, and bath his Clergie to him granted, such a Clerk might have his purgation. Note that this purgation was made, when hee was dismissed to the Ordinary there to be tryed of the enquest of Clerkes: And therefore now by the Stat. of 18. Eliz. cap. 7. no such is put to the Ordinarie,

Closhe.

CLoshe ou Closse est un illoyall game prohibet p l'estatute fait en l'an 17. *E. 4. cap. 3.* Et est inhibet auxy per lestatute de 33. *H. 8. cap. 9.* Mes icy est plus proprement appel *Clash*; car est le mitter dū boule as neuf espingles de boys, ou neufe shank bōes dun beefe ou chivall, & est ore usualmēt appell *Kailes* ou *Kiles*, del Greeke parol *κῆλον*, id est, *Jaculum*, propter similitudinem quam habent cum *Jaculo*.

CLoshe is an unlawfull game forbidden by the Statute made in the 17. yeare of *E. 4. cap. 3.* And it is inhibited also by the Statute of 33. *H. 8. ca. 9.* But there is no more properly cald *Clash*; for it is the throwing of a Boule at nine pins of wood, or nine shanke bones of an Ore or Horse, and it is now ordinarily call'd *Kailes* or *Kiles*, of the Greek word *κῆλον*, id est, *Jaculum*, a dart, for that they are like a dart.

Coadjutor.

COadjutor al disseisin est ce-luy, que oue auter disseise un de son Franktenement, al use del auter, & il serra punie come un disseisor, mes il nest tiel disseisor q̄ gaine, &c. q̄ gaine le Franktenement, mes le Franktenement vest & est tout en celuy, a que use le disseisin fuisse commit, come appiert en *Littleton lib. 3. cap. 3.* de Jointenants.

COadjutor to the disseisin is he, which with another disseiseth one of his freehold, to the use of the other: and he shall be punished as a disseisor, but he is not such a disseisor, which gaineth the freehold, but the freehold belongeth and is all in him to whose use the disseisin was committed, as it appeareth in *Littleton lib. 3. cap. 3.* of Jointenants.

Cocker.

COcker est un seale q̄ apperteine al Custome-house, le Roy & signifie auxy un escrowle del parchment seale & deliver p les officers del Custome-house

Cocker.

COcker is a seale pertaining to the Kings Custome-house, & it signifies also a scrowle of parchment, sealed and delivered by the Officers of the Customs-house

to Merchants, as a warrant that their merchandize are customed: this word is used in the old Statutes now expired, of 14. E. 3. Stat. 1. cap. 21. & 11. H. 6. cap. 16.

Coyne.

COyne is a word collective, which containeth in it all manner of the severall stamps and portraictures of money. And this is one of the royall Prerogatives belonging to every Prince, that he alone in his owne Dominions may order and dispose the qualitie and fashion of his coyne. And although that this is the issue of all traffique and commerce; yet the coyne of one King is not currant in the Realmes of another King, commonly, unlesse at great losse.

If a man bindeth himselfe to pay an hundred pounds of lawfull money of England to another, and at the day of payment some of the money chance to be Spanish coyne or French coyne, there the Obligation is well performed, for both the one and the other are by Proclamation made currant & lawfull money of England: And the King by his absolute Prerogative, may make any forreine Coyne lawfull money of England at his pleasure by his Proclamation: In case where a man is to pay rent to his Lessor upon condition of re-entry, and the Lessee payeth the rent to the Lessor, and he receiveth it, and puts it in his purse, & afterwards upon review at the same time, he findeth amongst the money that

as Merchants, come un garrant q leur Merchandizes sont customes: cest parol est use en les vieux stat. ore expires, faits 14. E. 3. Stat. 1. cap. 21. & 11. H. 6. c. 16.

Coigne.

COigne est un parol collectif, q containe en ceo tous maners del severall stamps & portraictures de numme. Et ceo est un des royax Prerogatives appendant a chescun Prince, que il solement en ses terres demesne poit order & dispose le qualite, quantity, & fashions de son coigne. Et comment que ceo est le nerve de tout merchandise & commerce, uncore le coigne d'un Roy nest currant en l's roialmes d'un auter Roy, communement, sinon al grand perde.

Si home oblige luy mesme de render cent lieurs de loyal Coigne Dengleterre, a un auter, & al jour de payment ascun d'argent happa destre Coigne Despaigne ou de Francois, ore l'obligation est bien performe, car & l'un & l'auter per proclamation sont faits currant & loyal mony Dengleterre: Et le Roy per son absolute Prerogative poit faire ascun forreigne Coigne, loyal Coygne Dengleterre a son pleasure per s^{on} Proclamation: En case ou h^{omme} est de pay rent a son Lessor sur conditi^{on} de re-entrie, & le Lessee pay a le rent a son Lessor, & il ceo receive & mitra ceo en son bourse, & puis in reviewing d' ceo a mesme le temps, il trova enter les deniers q il ad receive ascun counterfeit

The Exposition of

counterfeit peeces, & sur ceo il refuse demporter les deneirs mes re-enter pur le condition enfreint, ore son entree nest loyal, car quauant il an except les deniers, ceo fuit a son peril, & puis cest allowance, il ne prendra exception al ascun de eux.

hee hath receiued some counterfeit peeces, and he hereupon refuseth to take away the money, but re-enters for the condition broken, there his entrie is not lawfull, for when hee hath accepted the money, this was at his perill, and after this allowance hee shall not take exception to any of it.

Codicill.

Codicill est le volunt ou testament dun home touchant ceo q il voit auer dce fait apres son mort sans le nomination dascun Executor. Ou autermet il est un addition ou supplement adde al un volunt ou testament apres le finier de ceo, pur le supply dascun chose que le testator ad oblie; ou pur ayder ascun defect en le testament. De ceo poyes lier plus en *Swineborne* des volunts & testaments parte. 1. §. 5. num. 2. 3. &c.

Codicill is the Will or Testament of a man concerning that which hee would have done after his death without the appointing of an Executor. Or it is an addition or supplement added unto a Will or Testament after the finishing of it, for the supply of some thing which the Testator had forgotten, or to helpe some defect in the Will. Of this you may read more in *Swinhournes Wills and Testaments*. Parte 1. p. 5. num. 2. 3. &c.

Collaterall.

Collaterall est ceo, que vient eins ou adhere al lattu dun chose, cõe Collaterall assurance, est ceo que est fait ouster & preter le fait mesme: Pur example, si home covenant oue un auter, & luy obliege p le performance de son covenant, l'obligation est appel Collateral assurance, pur ceo q est externall & sans le nature & essence del covenant. Et *Crompton fol. 185.* dit, que destre subject al depaſturing des Dames le Roy, est collaterall al soyle deines le Forest. Et mesme le manner poymus nous le diser, que libertie a

Collaterall.

Collaterall is that which cometh in, or adhereth to the side of any thing, as Collateral assurance is that which is made ower and beside the Deed it selfe: for example, if a man covenanteth with another, and entreteth bond for the performance of his covenant, the bond is called collateral assurance, because that it is externall, and without the nature and essence of the covenants. And *Crompton fol. 185.* saith, That to be subject to feeding of the Kings Deere is Collateral to the soyle within the Forest. In the like manner we may say that the liber-

ty to pitch sheads or standings for a faire in the soile of another man, is Collaterall to the land. The private woods of a common person cannot be cut downe without the Kings licence, for it is a prerogative collaterall to the soyle, Manw. Part. 1. pag. 66. Collaterall Warrantie, See Title Warrantie.

pitcher sheads ou stalles pur un Faire en le soile d'un autre hœe, est collateral al terre. Le privat bois d'un common person deins le Forest ne poit estre succide sans le licence del Roy, car il est un prerogative Collateral al soile. Manw. Part. 1. pag. 66. Collateral Garrantie, Vide Tit. Garrantie.

Collation.

Collation is properly the bestowing of a Benefice by the Bishop, that hath it in his owne gift or patronage, and differeth from institution in this, for that institution into a Benefice is performed by the Bishop at the motion and presentation of another, who is patron of the same Church: or hath the patrons right for that time; yet Collation is used for Presentation in 25. E. 3. Stat. 6. And there is a writ in the Regist. 31. b. called de Collatione facta uni post mortem alterius, &c. directed by the Justices of the Common Plees, commanding them to direct their writ to the Bishop for the admitting of a Clerke in the place of another presented by the King, who during the last betwene the King and the Bishops Clerke deceased, for judgement once passed for the Kings Clerk, and he dying before he be admitted, the King may give his presentation to another.

Colour.

Colour is a fained matter, which the defendant or tenant useth in his barre, when an action of trespassse or an Assise is brought

Collation.

Collation est properment le donatiō d'un benefice per Levesque, q̄ ceo ad en son done ou patronage demesne, & differt de institution en ceo, pur ceo que Institution en un benefice est performe per Levesque al motion & presentation d'un autre, q̄ est patron de mesme Eglise, ou ad le droit del patron pro hac vice; uncore Collation est use pur presentation en 25. Edw. 3. Stat. 6. Et la est un Brieve en le Register 31. b. appel De Collatione facta uni post mortē alterius, &c. direct al Justices del common Banke, eux commandant a directer leur bñe al evesque pur l'admittance d'un Clerke en le lieu d'un autre present p le Roy, que durant le suit parenter le Roy & le Clerke del evesque morust, car judgement un foirs passe p le Clerke le Roy, & il morant devant que il soit admit le Roy poit don son presentation al un autre.

Colour.

Colour est un fained matter le quel le defendant ou tenant use en son barre, quant un action de trespassse ou un Assise est

The Exposition of

est port enuers luy, en le quel il done le demandaunt ou plaintife un shewe prima facie, que il ad bone cause de action, lou en veritie il nest just cause, mes tantolemt un colour & visour d'un cause: Et il est use al entet que le determination del action doit este per les Judges, & nemy per un ignorant Jurie de douze homes: Et pur ceo un colour doit este un matter en ley, ou difficult al lay gents: come pur exemple; *A.* port un Assise de terre enuers *B.* & *B.* dit que il mesme lessa mesme le terre al un *C.* pur terme de vie, & apres graunt le reversion al *A.* le demandant & puis *C.* le tenant pur terme de vie morust, apres que decease *A.* le demandant claimant le reversion per force del graunt (ou *C.* le tenant pur vie, ne unques atturme) entra, sur que *B.* entra, enuers que *A.* pur mesme entre, port cest Assise, &c. Cest un bone colour, pur ceo que les lay gentes pensant que le terre voyle passe per le graunt sans Atturment, lou en fait il ne voyle passe, &c.

Auxy en un Action de Trespasse, colour doit este done, & de eux sont un enfinite number, un pur exemple: En un Action de Trespasse pur prise de avers del Plaintife, le Defendant dit, Que devaunt le Plaintife riens avoit en eux, il mesme fuit possesse de eux come de les proper biens, & eux deliver al *A. B.* pur eux rebailer a luy quando, &c. & *A. B.* eux dona al Plaintife, & le

against him, in which he giveth the demandant or plaintife a shew at the first sight, that hee hath good cause of action, where in troth it is no just cause, but onely a colour and face of a cause: and it is used to the intent, that the determination of the action should be by the Judges, and not by an ignorant Jurie of twelve men: And therefore a colour ought to be a matter in Law, or doubtful to the common people: as for example; *A.* bringeth an assise of land against *B.* and *B.* saith that hee himselfe did let the same land to one *C.* for terme of life, and afterwards did grant the reversion to *A.* the demandant, and after *C.* the tenant for terme of life dyed, after whose decease, *A.* the demandant claiming the reversion by force of the grant (whereunto *C.* the tenant for life, did never atturme) entred, upon whom *B.* entred, against whom *A.* for that entrie, brings this Assise, &c. This is a good colour, because the common people thinks that the land will passe by the grant without Atturment, where indeed it will not passe, &c.

Also in an Action of Trespasse colour must be given, and of them are an infinite number, one for example: In an Action of Trespasse for taking away the Plaintifes beasts, the Def. saith, that before the Plaintife had any thing in them, hee himselfe was possessed of them as of his proper goods, and delivered them to *A. B.* to deliver them to him againe, when &c. and *A. B.* gave them unto the

Pl. and the **Pl.** supposing the
property to be in **Pl.** at the
time of the gift took them, and
the **Defen.** took them from the
Plaintife, whereupon the **Pl.**
bringer an action, that is a good
colour and a good Plea. See more
hereof in the Dialogues between
the **Dofor** and **Stu.** lib. 2. cap. 13.

Colour of Office.

COlour of Office is alwayes tak-
en in the worst part, and fig-
nifies an act evill done by the
countenance of an Office, and it
beareth a dissembling face of the
right office, whereas the office is
but a velle to the fallow, and the
thing is grounded upon vice, and
the Office is as a shadow to it.
But by reason of the Office, and
by vertue of the office, are taken
alwayes in the best part, and
where the office is the just cause of
the thing, and the thing is pursu-
ing the office. *Plowd. fo. 64. a.*

Collusion.

Collusion is where an Action is
brought against another by
his own agreement, if the **Plain-**
tife recover, then such recovery is
called by Collusion, and in some
cases the Collusion shall bee en-
quired of, as in *Quare impedit*,
and *Wille*, and such like, which
are Corporation or body politick
bringer against another, to the
intent to have the land or ad-
vowson, whereof the writ is
brought into *Writ*. But in
Writ, not in any Action per-
sonal the Collusion shall not be
inquired. See the *Statute of West.*

Plaintife supposent le property
destre en A. B. al temps del don
prist eux, & le **Defendant** eux
reprist del **Plaintife**, sur que le
Plaintife port l'action, cest un
bone colour, & un bone Plea.
Veies de ceo pluis en les Dialo-
gues ent le **Dofor** & **Stu.**,
lib. 2. cap. 13.

Colour de Office.

COlour de Office est tous dits
prist en malam partem, &
signifie un act malement fait
per le countenance de un Of-
fice, & il port un dissimulant
visage del droit Office, lou le
Office nest q vaille del fauxite,
& le chose est ground sur vice &
le Office est come un shadow al
ceo. Mes ratione officii, & vir-
tute officii sont prises tous foirs
in bonam partem, & lou le office
est l'just cause del chose, & le
chose est pursuant al office. *P. o.*
en *Dive & Man. case. fo. 64. a.*

Collusion.

Collusion est lou un Action
est port vers un aut per son
agreement demesne, si le **Plain-**
tife recover, tiel recoverie est
dit p collusion, & en ascun cases
le Collusion serra enquire, come
en un *Quare impedit*, & *Assise*,
& tiels semblables, queux asen
Corporation ou Corps politique
port enuers auter al entent de
aver le terre ou advowson, dont
le Brieie est port en *Mortmaine*.
Mes en *Avowrie*, ne en ascun
Action personal, le Collusion
ne serra enquire. Veies le *statute*
de *Westm.* 2. cap. 32. que done le

The Exposition of

*Quale jus & enquirie en ciel
cale.*

*2. cap. 32. Which sheweth the Quale
jus, and enquirie in such cases.*

Commaundrie.

Commaundrie.

Commaundrie; fuit le nosh
dun Mannour ou chiefe Mes-
suage, oue que Terres ou Tene-
ments fueront occupies per-
reignant al Priorie de Sainct
Johans de Jerusalem en Engle-
terre, tanque fueront done al
Roy *Henrie* le huiet, per Statute
fait en l'an. 32. de son reign: Et
cesty que avoyt le governem^t de
ascun ciel Manour ou Messuage,
fuit appelle le Commander, q
navoit rien a faire ou disposer de
ceo forsque al use del Priorie, &
daver solemt s^o sustenance d^r ceo,
solonq; s^o degree q fuit usualmt
un frere de mesme le Priorie, q
eust estre fait Chivaler en les
Guerres encounter Intidels, &
fuerot iades appel Knights de le
Rhodes, ou Knights de Malta,
del lieux lou lour graund Mas-
ter del dit Order enhabite.
Veies le dit Statute, & le statute
entitled, *De Templariis*, le de-
cay des queux fuit grand en-
crease de cel Order, & plusors
de ceux Commandries sont en le
pais nosmes Le Temple.

Commandement.

Commandement est prise per
diverse significacions, ascun
foits pur le Commandement le
Roy, quant p son mere motion,
& de s^o bouche demesne il jette
ascun home en prison, *Stam. Pl.
Cor. fo. 72.* ou des Justices: Et
ceo commandement des Justices
est ou absolute ou ordinarie;

Commaundrie was the name of
a Mannor, or chiefe Messu-
age, with which lands or tene-
ments were occupied: belonging
to the late Priory of Sainct Johns
of Hierusalem, in England, un-
till they were given to King H. 8.
by Statute made in the 32. yeare of
his Reigne: And he which had
the government of any such Man-
nor or house, was called the Com-
mander, which had nothing to
doe to dispose of it, but to the use
of the Priory, and to have onely
his sustentance of it according to
his degree, which was usually a
Brother of the same Priory,
which had bene made Knight in
the warres against Infidels, and
were lately called Knights of the
Rhodes, or Knights of Malta,
of the place where their grand
Master of the said Order did
dwell. See the said Statute and
the old Statute intituled, *De Tem-
plariis*, whose decay was a great
increase of this Order, and many
of these Commandries are called
in the Countrey by the name of
Temples.

Commandement.

Commandement is taken by di-
vers significacions, sometimes
for the commandement of the King
when by his mere motion, and
from his owne mouth he casteth
any man into prison, *Stam. Pla-
cit. Cor. fo. 72.* or of the Justices:
and this commandement of the
Justices is either absolute or or-
dinarie:

Dinarie: absolute, as when upon their owne authoritie, or their wisdoms and discretion, they commit any man to prison for a punishment: ordinary is when they commit one rather to be safely kept, than for punishment, and a man committed by such ordinary commandment is bayleable, *Placit. Cor. fo. 73.* Commandement is againe used for the offence of him that wilketh another man to transgresse the Law, or to doe any such thing as is contrarie to the Law, as Murder, Theft, or such like, *Bract. lib. 3. Tract. 2. cap. 19.* The Civilians call this Commandement, *Angelus de maleficiis.*

Commendam.

Commendam is a Benefice that being voyde is commended to the care of some sufficient Clerke, to be supplied untill it may be conveniently provided of a Pastor: And the true originall of these Commendams was either evident profit or necessitie, and he to whom the Church is commended, hath the frutes and profits thereof onely for a certaine time, and the nature of the Church is not changed thereby, but is as a thing deposited in the hands of him to whom it is commended, and he hath nothing but the custodie thereof, which may be revoked.

Commisarie.

Commisarie is a Title of Ecclesiasticall Jurisdiction, appertaining to him that exerciseth spirituall jurisdiction in places of the Diocesse so farre distant from

Absolute, siccome quant sur leur authoritie demesne en leur sapience & prudence. Ils commitront ascun homie a prison pur un punissement: Ordinarie est quant ils commitront un plus destre salement gard, que pur punissement, & home commit per tiel ordinary commandment est mainpernable, *Pl. Co. fo. 73.* Commandment est use arec pur l'offence de celuy q command auter home de transgresser le Ley, ou d faire ascun tiel chose que en encounter le Ley, come Murder, Larcenie, ou tiels semblables, *Bract. lib. 3. Tract. 2. c. 19.* Les Civilians appel cest commandement, *Angelus de maleficiis.*

Commendam.

Commendam est un Benefice que esteant void, est comméd al care d'ascun sufficient Clerke destre supplie jesque il poit estre conveniment provide d'un Pastor: Et le voyer original de ceux Commendams fuit ou pur cause d evident utilitie ou necessitie, & cestuy a que L'esglise est commend, ad les fruits & profits de ceo solemt p un certaine temps, & le nature del Esglise nest alter per ceo, mes est sicome un chose deposte en les maines de cestuy a que il est commend, & il nad forsque le custody de ceo, que poit estre revoke.

Commisarie.

Commisarie est un nosme de Ecclesiasticall jurisdiction apperteynant a cestuy que exercise jurisdiction Espiritual en liens del Diocesse de cy grand distance

The Exposition of T

distance del principal Citie, que le Chancelour ne poit appeller les Subjects al chiefe Consistorie del Euesq; fauns leur grand molestation: Cest Commissarie est appellé per les Canonists, *Commissarius*, ou *Officialis Foraneus*, & est ordeigne a cel special fine que il executera le office & jurisdiction del Euesque en les Boundaries del Diocesse, ou en tiels paroches que sont peculiars a l'Euesque, & exempts del Jurisdiction del Archdeaco; Car ou per prescription, ou per composition, la sont Archdeacons que ont jurisdiction en leur Archidiaconries, sicome en plusours liens ils ont, la cest Commissarie est superfluous, & plus al detriment que al bñ des Gents.

Commission.

Commission est tant en le Common Ley, come le parol *De-legate* est oue les Civilians, & est prise pur le Garrant ou Letters Patents que tous homes ayant Jurisdiction ou ordinarie ou extraordinaire, ont pur leur poyer de oyer ou terminer ascun cause ou action. Uncore cest parol ascun fois extend plus largement q al choses de Judicature, sicome le Commission de Purveyours ou Prisors, 11. H. 4. ca. 28. Mes ou cest Epitheton *Alt*, il est plus communement use pur le tres honoreux Commission Court, institue & foudue sur le statute de 1. Eliz. cap. 1. pur l'ordenance & reformation de tous offences en ascun chose appartenouns al Jurisdiction

the chiefe Citle, that the Chancellors cannot call the Subjects to the Bishops principall Consistory without their great trouble: this Commissarie is called by the Canonists, *Commissarius*, or *Officialis Foraneus*, and is ordained to this speciall end, that he should supply the Office and Jurisdiction of the Bishop, in the out-places of the Diocesse, or in such Parishes as are Peculiars to the Bishop, and exempted from the Archdeacons Jurisdiction; For where by prescription or by composition, there are Archdeacons who have Jurisdiction in their Arch-deaconries, as in most places they have, there this Commissarie is superfluous, and rather to the hurt than good of the People.

Commission.

Commission is as much in the Common Law, as the word *Delegate* is with the Civilians, and is taken for the Warrant or Letters Patents which all men using Jurisdiction, either ordinarie or extraordinary, have for their power to heare or determine any matter or Action. Yet this word sometimes extendeth more largely, than to matters of Judgment, as the Commission of Purveyours or Takers, 11. H. 4. cap. 28. But with this Epithite *High*, it is most commonly used for the Honourable Commission Court, instituted and founded upon the statute of 1. Eliz. cap. 1. for the ordering and reforming of all offences in any thing appertaining to the Jurisdiction Ecclesiasticall, but

but especially such as are of highest nature, or at least requies greater punishment than the ordinarie Jurisdiction can afford: for the world being growne to such losse as not to effect of the sentence of Excommunication, necessitie requirerth those Censures of fines to the Prince, and Imprisonment, the which doe affect every man more nearly.

Commission of Rebellion.

Commission of Rebellion, otherwise called, A Writ of Rebellion, and it is used when a man after Proclamation made by the Sheriffe, upon an Order of the Chancerie, or Court of Star-Chamber, under penalty of his allegiance, to present himselfe to the Court by a day certaine, appeareth not. And this Commission is directed by way of command, to certaine persons, to the end that they, or thre, two, or one of them, shall apprehend, or shall cause to be apprehended the partie, as a Rebelle and Contemner of the Kings Lawes, in what place soever they shall finde him within the Kingdome, and bring him, or cause him to be brought to the Court upon a day therein assigned.

Committee.

Committee is hee to whom the consideration or ordering of any matter is referred either by some Court, or consent of the parties to whom it appertaines: as in Parliament, a Bill being read, is either consented unto, and passed, or denied or referred to the

Ecclesiasticall, mes especialmēt tiels que sōt de plus al nature, ou al meines requie plus grand punisment q ordinarie juridictiō poit affoord: car le mūd deffiant deventus al tiel remissionne, sicō ne de steemer pas le sentence de Excommunication, necessitie impeceux censures de Fines al Prince, & Imprisonmēt, l's q's plus pecheine affectont chescū home.

Commission de Rebellion.

Commission de Rebellion, autrement appel un briete de Rebellion, & ceo est use quant un home apres pelamation fait per le Viscount, sur un Order del Chancerie, ou Court de Star-Chamber, souch penalty de son allegiance a present luy m. al Court per un jour certaine, ne appiert pas. Et cest Commission est direct p voy d command, al certaine persons, au fine que ils, ou troys, deux, ou un de eux, apprehendont ou causont destre apprehend le partie, come un Rebelle & Contemner des Leyes le Roy, en quelcunque lieu que ils luy troveront deins le Roy-alme, & de present luy, ou luy cause destre present al Court sur un jour en ceo assigne.

Committee.

Committee est cestuy a que le consideration ou ordinance dascun chose est refer, ou per ascun Court, ou consent des parties a que il appertient: si come en Parlemt un Bill esteant lye, est ou admit & pas, ou denie, ou refer al consideration dascun

dascun certeyne homes appoint
per le Meason, les queux sur ceo
sont appellees Committées. Mes
cest parolle est autrement usé per
Kyth. fol. 166. ou le Relist del
Tenant le Roy est appelle le
Comitée le Roy, cestascavoire,
un commise per le auncient Ley
del Terre, al care & protection
le Roy.

Common Ley.

Common Ley est pur le pluis
part prise 3. voyes: Primerint,
pur les Leyes de cest Realme
simply, sans ascun aut Ley, come
Customarie Ley, Civil Ley, Spi-
ritual Ley, ou quecunque auter
Ley joyne a ceo, come quant est
dispute en nostre Leyes Dele-
terre, quid doit de droit este de-
termine p le Common Ley, &
quid per Spiritual Ley, ou le
Court del Admiral, ou tielx sem-
blables.

Secundarint, il est pris pur les
Courts de Roy, come le Banke le
Roy, ou Comon Place, tant sole-
ment pur monst' un difference
perét eux & les base Courts, cõe
Customary Courts, Court Barons,
Countie Courts, Pypowders, &
tielx semblables: cõe quant un
plee de terre est remove hors de
anciët demesne, pur ceo q le terf
est Franke-fee, & pleadable al
Common Ley, cest adire, en le
Court le Roy, & nemy en anciët
demesn, ou é ascü aut base Court.

Tiercement, & pluis usualint
per le Common Ley est enten-
due tielx Leyes que fueront ge-
neralint prise & tenus pur Ley,
devant q ascun estatute tuit fait

consideration of some certayne men
appointed by the House: wold
hereupon be called Committres:
But this word is otherwile used
by Kyth. fol. 166. where the
word of the King's tenant is called
the Committee of the King, that
is, one committed by the ancient
Law of the Land, to the King's
care and protection.

Common Ley.

Common Ley is for the most
part taken 3. wayes: First,
for the Lawes of this Realme
simply, without any other, as
Customary Law, Chancery Law,
Spiritual Law, or whatsoever
else Law jogued unto it, when
it is disputed in our Lawes of
England; what ought to right to
be determined by the Common
Law, and what by the Spiritu-
all Law, or Admirall Court,
or such like.

Secondly, it is taken for the
Kings Courts, as the Kings
Bench, or Common Place, onely
to shew a difference betwixt
them & the base Courts, as Cu-
stomary Courts, Court Barons,
Countie Courts, Pypowders, &
such like: as when a ple of land
is removed out of anciët demesne,
because the land is frank-fee, and
pleadable at the Common Law,
that is to say, in the K. Court,
and not in ancient demesne, or in
any other base Court.

Thirdly, and most usually by
the Common Law is understood
such Lawes as were generally
taken and holden for Law, before
any Statute was made to alter
the

the same: as for example, Tenant for life, nor for yeares, were not to be punished for doing wast at the Common Law, till the Statute of Gloucester. cap. 5. was made, which doth give an action of wast against them. But Tenant by the Courtesie, and Tenant in Dower, were punishable for wast at the Common Law, that is to say, by the usual and common received Lawes of the Realm, before the said Statute of Gloucester was made.

Common.

Common is the right that a man hath to put his beasts to Pasture, or to use and occupy the ground that is not his owne.

And note, that there be divers Commons, that is to say, Common in Grosse, Common Appendant, Common Appurtenant, and Common because of neighbourhood.

Common in Grosse, is where I by my deed grant to another that he shall have common in my land.

Common Appendant, is where a man is seised of certaine land, to the which he hath Common in anothers ground. and all they that shall be seised of the land, have the said Common onely for those Beasts which compass the land to which it is appendant, excepting Cattle, Goats, & Hogges.

And alwayes that Common is by Prescription, and of common right, and is appendant to eynable Land onely, and not to any other Land, or House.

pur alter ceo: come pur example, Tenant pur vie, ne pur ans, ne fueront destre punish pur se sans Wast al Common Ley, tanque l'estatute de Gloucester. cap. 5. fuit fait, le quel done un Action de Wast enuers eux. Mes Tenant per le Curtesie, & Tenent en Dower, fueront punishable pur Wast al Common Ley, cest adire, per le usual & common received Leyes le Realm, devant le dit Statute de Gloucester fuit fait.

Common.

Common est le droit q hōe ad de mitter ses beasts a Pasture, ou de user & occuper le terre que nest son proper soile.

Et nota, que sont divers Commons, cest adire Common en Grosse, Common Appendant, Common Appurtenant, & Common per cause de vicinage.

Common en Grosse, est lou jco per mon fait grant a un auter, que il aver common en ma terre.

Common Appendant, est lou home est seised de certeine terre, a q il ad comon en auter soile, & tous ceux que seront seiseds del dit terre averont le dit common solement per ceux beasts que compass la terre a que il est appendant, except Oysons, Chiūs, & Porceaux.

Et tous jours, cest common est per prescription, & de common droit, & il est appendant al terre arable solement, & nemy al auter terre ou meason.

The Expolition of

Common Appurtenant est en mesme le manner cōe Common Appendant. Mes est oyefq; tous manners des Avers, cibien Proceaux, Chivers, & tiel semblable, come Chivals, Vaches, Boefs, Barbits, & tiels que compaster le terre. Et tiel common poit ēe fait a cē jour, & poit este sever del terf a q̄ il est appurtenant, mes issint ne poit Common Appendant.

Common pur cause de vicinage, est lou les Tenaunts de deux Seignours que sont seises de eux Villes, dōt l'un gift pres l'auter, & chescun de eux ont use de tēps dont memorie ne Court, de aver Common en auter Ville, ouesque tous Beasts commonable.

Mes l'un ne poit mitter ses Avers en le terre l'auter, car la ceux de l'auter Ville point eux distraire Damage Fesant, ou aver Action de Trespassē, mes ils eux mittera ē leur cāp demesne, & si ils estrey en les camps del auter Ville, ils doivent eux sufferer. Et les Inhabitants de l'un Ville ne doivent mītē eins rants come ils voile, mes ayant regard al Franknement del inhabitants de le auter Ville, car autrement il ne serrois bone vicinety, sur que tout cest matter depend.

Common Fine.

Common Fine est un certēne lūme des deniers q̄ les reliārs deins un Lect payont al lōr del Lect, & est appell en ascūs lieux

Common Appurtenant is in the same manner as Common Appendant. But it is with all manner of Beasts, as well Hogs, Goats, and such like, as Horses, Hens, Oxen, Sheep, and such as compass the ground. And this Common may bee made at this day, and may be severed from the land to which it is Appurtenant, but so cannot Common Appendant.

Common because of neighbourhood, is where the Tenants of two Lords which be seised of two Townes, where one lyeth nigh another, and every of them have used, from the time whereof no mind runneth, to have Common in the other Towne, with all manner of Beasts commonable.

But the one may not put his Cattell in the others ground, for so they of the other Towne may distraine them Damage Fesant, or may have an action of Trespassē. But they may put them into their owne fields, and so if they stray into the fields of the other Towne, there they ought to suffer them. And the inhabitants of the one Towne ought not to put in as many Beasts as they will, but having regard to the inhabitants of the other Towne, for otherwise it were no good neighbourhood, upon which all this matter doth depend.

Common Fine.

Common Fine is a certēne summe of money which the Reliars in a Lect pay unto the Lord of the Lect, and it is called in some places

ces Head-silver ; in some places
Certum Lata ; and was (as it
seemes) first graunted unto the
Lord towards the charge of his
purchase of the Land, whereby the
residents had now an ease to doe
their full right within the Man-
nor, and not be compelled to goe to
the Shaltes. Toward to doe so,
which perhaps is farther off from
them, and for this common Fine
the Lord must prescribe ; and can-
not distrein for it without a pre-
scription, as it appears in God-
frey's Case, rep. fol. 44. b.

Common Pleas, and is so

Common Pleas is the Kings
Court now held in Westmin-
ster, but in ancient time move-
able, as appears by the Statute
of Magna Charta, cap. 12.

But Master Gwyn in the Pre-
face of his reading, saith, That
untill the time that Henry the
third granted the great Charter,
there was but two Courts on-
ly, called the Kings Courts,
whereof the Exchequer was one,
and the other the Kings Bench,
the which was called Aula Regia,
because that it followed the Court,
and that upon the grant of that
Charter, the Court of Common
Pleas was erected and settled in a
place certaine, viz. at Westmin-
ster ; and because that this Court
was settled at Westminister, where-
soever the King was, hereupon
all the writs were made with
this returne, Quod sit coram Justiciariis meis apud Westmonasteriū,
where before the partie was com-
manded by them to appeare, coram

Capitagii, vel Capitale Argentū;
é aucuns lieus Certū Lata, & fuit
al prius (cōse semble) graunt al
sūvers le charge de son pur-
chase del Leet, per q̄ les residents
avoyēt ore un aise pur faire leur
suir royal deins l'mannor, & no-
my destre compells d'aler al
Tourne le viscount de faire ceo ;
q̄ p advēture est plus reinote del
eux, & pur cest common Fine le
sūr doit prescribere ; & ne poit
distrein pur ceo sans prescriptiō,
come appiert en Godfrey's Case,
en 11. rep. fol. 44. b.

Common Pleas, and is so

Common Pleas est le Court le
Roy iammes tenu en le Sale
de Westminister, mes en ancient
temps moveable, sicōe appiert p
le statute de Magna Carta, c. 12.

Mes Monsieur Gwyn é le Pre-
face a son lecture dit, Que jēsqs
le temps que Henry le tierce
grant le grand Charter, la fuit
orsque deux Courts solemt ap-
pel les Courts le Roy, de que un
fuit Leschequer, & l'auter le
Banke le Roy, quel fuit appel
auxy Aula Regia, pur ceo que le
ensue le Court, & que sur le grāt
de cel Charter, le Court de Cō-
mon Pleas fuit erect & settle en
un lieu certaine, viz. al West-
minster, & pur ceo q̄ cest Court
fuit settled al Westminister, ou-
cunque le Roy fuit, sur ceo
tours les briefs fueront faits one
cest returne, Quod sit coram
Iusticiariis meis apud westmo-
nasterium, ou devant le party
fuit commaund per eux d'ap-
pearer, coram me vel Iusticiariis
meis

The Exposition of

meis, sans aucun addition & ascū
lieu certain.

Touts civil causes, cybien
real come personall, sont ou
fueront en aunciēt tēps trye en
cest Court, accordant al strict
Ley del Royalm: Et p *Fortescue*
cap. 50. il semble d'aver este le
sole Court pur real causes. Le
primer Judge de ceo, est appel
le Seignior Chiefe Justice del
Common Plees, accompany ove
trois ou quater assistants ou as
sociates, que sont create per
Letters Patents del Roy, & si
come fuit enstalle ou place sur
le Bank p le Seignior Chan
cellor, & Seignior Chiefe Ju
stice del Court, come appoert
per *Fortescue* c. 51. que expresse
touts les circonstances de cel
admission.

Le residue des Officers ap
pertenant a cel Court sont
ceux: Le *Custos brevium*, trois
Prothonotaries, Chirographer,
dize quater Philasers, quater
Exigeters, Clerke des Garrats,
Clerke des Juries, Clerke del
Treasurie, Clerke d'argent le
Roy, Clerke des Essoines, Clerke
des Utlagaries.

Common jour en plee de terre.

Common jour en plee de ter
re, Anno 3. R. 2. Stat. 1. ca. 17.
signifie un ordinarie jour en le
Court, come *Octabis Michaelis*,
quindena Pasche, &c. come poies
vier en le Statute fait Anno 51.
H. 3. concernant general jours
en le Bank.

me vel Justiciariis meis, without
any addition of any place certain.

All civil causes, as well Real
as Personall, are or were, in an
cient time tried in this Court,
according to the strict Law of the
Kingdome: And by *Fortescue*
cap. 50. it seemeth to have been
the onely Court for Real cau
ses. The chiefe Judge thereof,
is called, The Lord Chief Ju
stice of the Common Pleas, ac
companyed with three or four as
sistants or associates, who are
created by the Kings Letters
Patents, and as it were installed
or placed upon the Bench by the
Lord Chancellor and Lord Chief
Justice of the Court, as appear
eth by *Fortescue* cap. 51. who ex
presseth all the circumstances of
this admission.

The rest of the Officers apper
taining to this Court are these:
The *Custos Brevium*, three Pro
thonotaries, Chirographer, four
teen Philasers, four Exig
eters, Clerke of the Warrants,
Clerke of the Juries, Clerke of
the Treasurie, Clerke of the
Kings Exchequer, Clerke of the
Essoines, Clerke of the Out
lawries.

Common day in plea of land.

Common day in plea of land, An
no 13. R. 2. Stat. 1. cap. 17. sig
nifieth an ordinary day in the
Court, as *Octabis Michaelis*,
quindena Pasche, &c. as you may
see in the Statute made Anno 51.
H. 3. concerning generall Dayes
in the Bench.

Commotes,

Commotes.

Commotes semeth to be a compounded word of the Preposition, *Con* and *Motio*, that is, *disio*, *verbum*, and signifieth in Wales the part of a County or Hundred. Anno 28. H. 8. cap. 3. It is written *Commotithes*, Anno 4. H. 4. cap. 17. and is used for a gathering made upon the people, as it semeth, of those that Hundreded by Welsh Minstrels.

Communi custodia.

Communi custodia is a word which lyeth for that Lord, whose tenant holding by knight's service dieth, his eldest son within age, against a stranger, who entered the Land, and obtained the sword of the body. It may seem to take the name from the common Customs by right in this case, which is, That the Lord shall have the wardship of his Tenant until his full age, because that it is common for the Wardship both of the Land and Tenant, as appeareth by the forms thereof, Old N. B. 89. Register Orig. 161.

Compromise.

Compromise is a mutual promise of two or more parties that are at controversy, to submit themselves and all differences between them, unto the Award, Arbitrament, or Judgement of one or more Arbitrators, indifferently chosen between them to determine and adjudge upon all matters referred, and upon which the parties differ.

Commotes.

Commotes semble destre un parol composé del Preposition, *Con* & *Motio*, i. *disio*, *verbum*, & signifie en Gales le part d'un County ou Hundred, Anno 28. H. 8. cap. 3. Il est escry *Commotithes*, Anno 4. H. 4. cap. 17. & est use pur un Colledion faits sur les gents, come semble de ceo ou cest Hundred per Minstrels de Gales.

Communi custodia.

Communi custodia est un Bricie q gist p cel Seignior, le Tenat de quel tiendrant per Service de Chivaler morust, son eigne lirs deins age, envers un estranger, quo enter le terre, & obteyne le gard del corps. Il semble de prender le nosme del common Custome ou droit en ceo case, que est, Que le Seignior avera le gard de son Tenant jesque son pleine age; ou pur ceo que est common pur recoverie del Terre & Tenant, ceo appiert per le forme de ceo, *Viñl N. B. 89. Register Orig. 161.*

Compromise.

Compromise est un mutual promise de deux ou plusors parties q sot al cotroversie, pur submitter eux mesmes & routs differences enter eux, al agard arbitrent, ou Judgement del un ou plusors arbitratours, enf eux indifferentment essien p determiner & adjudger, des routs maters referres, & sur que les parties differont.

Com-

The Exposition of

Computation.

Computation, cest parol est use en le Common Ley, pur le voyer & indifferent construction de temps, issint que ne l'un partie serra tort al autre, ne le determination de termes referre a large desre prise un voy ou autre, mes serra compute accordant al droitural Censure de la Ley.

Come si Indentures de Demise sont ingrossie, portent date le unisme jour de May 1624. daver & tener terre en S. pur trois ans de cest temps, & les indentures sont deliver le quart jour de June en l'an avantdit. En cest case, de cest temps, serra account del jour del deliverie des Indentures, & nemy par aucun Computation del date, & si le dit Indenture soit deliver al quater de la horologe puis meridio le dit quater jour de June, cest Leas finiera le tierce jout de June en le tierce an, car la Ley en cest computation rejecte tous fractions ou divisions del jour pur l'encertainie, que tous foits est le Mere de contention. Issint ou la Statute Denrolments fait Anno 27. Hen. 8. cap. 16. est, que les Escriptes ferraont inrolle deins sixe moies apres le date de meisme les Escriptes indent, si iels Escriptes ont date, les sixe moies ferraont account del date & nemy del deliverie, mes si fault date, donque il serra account del deliverie, *Coke lib. 5. fol. 1.*

Computation.

Computation, this word is used in the Common Law, for the true & indifferent construction of time, so that neither the one party shall doe wrong to the other, nor the determination of times, referred at large to bee taken one way or other: but shall bee computed according to the just Censure of the Law.

As if Indentures of demise are ingrossed bearing date the eleventh day of May 1624. to have and to hold the Land in S. for three yeares from henceforth, and the Indentures are delivered the fourth day of June, in the yeare afore-said: In this case, from henceforth, shall be accounted from the day of the delivery of the Indentures, and not by any computation from the date, and if the said Indenture be delivered at four of the Clocke in the afternoon of the said fourth day of June, this Lease shall end the third day of June, in the third yeare, for the Law in this computation rejecteth all fractions or divisions of the day for the incertaintie, which alwayes is the mother of contention. So where the Statute of Inrollements made Anno 27. H. 8. cap. 16. is, That the writings shall be inrolled within six moneths after the date of the same writings indented, if such writings have date, the six moneths shall be accounted from the date, and not from the deliverie, but if they want date, then it shall be accounted from the deliverie, *Coke lib. 5. fol. 1.*

If any Deed be shewed to a Court at Westminster, the Deed by Judgement of the Law shall remaine in Court all the Terme in which it is shewed, for all the Terme in Law is but as one day, *Coke lib. 5. fol. 74.*

If a Church be voyd, & the true Patron doth not present within six moneths, then the Bishop of the Diocesse may collate his Chaplein: but these six moneths shall not be computed according to 28. dayes to the moneth, but shall be computed according to the Kalender. And there is great diversitie in our common speech in the singular number, as a Twelve-moneth, which includes all the yeare according to the Kalender; and 12. moneths, which shall be computed according to 28. dayes to every moneth. See *Coke lib. 6. fol. 61. b.*

Computo.

Computo is a word so called of the effect, because it compelleth a Baylife, Chamberlain, or Receiver, to yeld his account; *Old N.B. fol. 58.* It is founded upon the Statute of Westm. 2. cap. 2. the which you may for your better understanding reade. And it also lieth for Executors of Executors, *15. Ed. 3. Stat. de Provis. Victual. c. 53.* Against the Gardein in socage, for wast made in the minority of the heire, *Marlebr. cap. 17.* And see further in what other cases it lieth, *Reg. orig. fol. 135. Old Nat. B. fol. 58. & F.N.B. fol. 116.*

Concealers.

Concealers are such as finde out lands concealed, that is, such

Si aucun faye est monstre a un Court al Westminster, le fait per judgement del Ley remaine en Court tout le Terme en que ceo est monstre, car tout le Terme en Ley nest que un jour, *Coke lib 5. fol. 74.*

Si un Esglise happa voyd, & le veray patron ne presenta deins six moys, donques Levesque del Dioces poert collate son Chaplein: mes ceux six moys ne serra account accordant al vint huit jours al moys, mes serront comput accordant al Kalend. Et la est grand diversite en nre common parlance en le singul' nombre, come un Twelve-moneth, que include tout lan solongue le Kalend, & Twelve moneths, que serra compute solongue vint huit jours a chescun moys. *V. Coke lib. 6. fol. 61. b.*

Computo.

Computo est un briefe issint Appel del effect, pur ceo que il enforce un Baylife, Chamberlain, ou Receiver, a render son Account, *Veil N. B. fol. 58.* il est foundue sur le Statute de *West. 2. ca. 2.* le quel pour vostre mieux intelligence vous poyes lye. Et il auxy gist pur Executors dexecutors, *15. Ed. 3. Stat. de Provis. victual. cap 5.* Tierceint éuers le Gardeine é Socage, pur wast fait é le minority del heire, *Marl. c. 17.* & vies plus en qux aués cales il gist, *Reg. Orig. fol. 135. Veil N. B. fol. 58. & F. N. B. fol. 116.*

Concealers.

Concealers sont tiels que trouvent terres conceale, ceo est tiels

The Exposition of

siels tres q sont privimnt deteine
del Roy per common psons, ne
ayant pas afeun chose de monst^r
peux, Anno 39. Eliz. cap. 22. Ils s^ot
issint appel & *concelando*, come
mons à *movendo*, p Antiphrasin.

Conclusion.

Conclusion est quant home p
son fait demesne sur Record
ad charge luy m oue ascū duty,
pu aut chose: Come si home q
est franke confesse luy mesme
dest^r villeine de A. sur Record,
& apres A. prist ses biens, il ser-
ra conclude adire en ascun Actio
ou Plea en a^{ps}, que il est franke,
per reason de son Confession
demesne. Issint si l'Vic. sur un
Capias a luy direct, retourne quod
Cepit corpus, & uncore nad le
corpes en Court al jour del Re-
tourne il ferra amercie: & sil
fuist sur un *Capias ad satisfaciē-
dum*, le Plaintife poit aver son
Action enuers le Vicont pur le
escape, cat per tiel Returne le
Viscōt ad conclude luy mesme.

Et cest parol Conclusion est
prist en un auter sence, cōe pur
le fine ou darreyne part d ascun
Declaration, Barre, Replicatiō,
&c. Come qu al Barre covient
estre un Replication, le Con-
clusion de son Plea ferra, *Et hoc
paratus est verificare*. Si en
Dower, le Tenaunt pleda ne
unques seise que Dower doit
render, le Conclusion ferra, *Et
de hoc petit se super patriam*. Et
en quel manner le Conclusion
ferra accordant al nature des
several^x actions, Veies Kyte, fo.
219. 220. &c.

lands as are secretly deteined from
the King by common persons, ha-
ving nothing to shew for them,
Anno 39. Eliz. cap. 22. They are
so called & *concelando*, as Mons^r à
Movendo, by Antiphrasis.

Conclusion.

Conclusion is when a man by
his own as upon Record hath
charged himselfe with a Dutie or
other thing: as if a freeman con-
fesse himselfe to be the villeine of
A. upon record, and afterward A.
taketh his goods, he shall be con-
cluded to say in any action or plea
afterwards, that hee is free, by
reason of his own confession: So
if the Sheriffe upon a *Capias* to
him directed, returneth that hee
hath taken the body, and yet hath
not the body in Court at the day
of the returne: hee shall be amerc-
ed: and if it wers upon a *Capias
ad satisfac*, the Pl. may have his
Action against the Sheriffe for
the escape, for by such returne the
Sheriffe hath concluded himselfe.

And this word Conclusion is
taken in another sence, as for the
end or latter part of any Decla-
ration, Bar, Replication, &c. As
where to the Bar there ought to
be a Replication, the conclusion
of his plea shall be, And this he is
ready to affirm. If in Dower the
tenant pleads, That he was ne-
ver seised to render dower, the
conclusion shall be, And upon this
hee puts himselfe upon the Coun-
try. And in what manner the con-
clusion shall be according to the
nature of severall actions, See
Kitch. fol. 219. 220. &c.

Concord.

Concord.

Concord is defined to be the very agreement between parties that intend the levying of a fine of lands one to another, how and in what manner the Lands shall be passed: for in the forme thereof many things are to be considered. See West. part. 2. tit. Fines & Concorde, Sect. 30.

Concord is also an agreement made upon any trespass committed between two or more, and is divided into a Concord executorie and executed. See Plowd in Reniger & Fogass's case, fol. 5. & 6. where it appeareth by the opinion of some, that the one doth not bind, as being imperfect, the other being absolute, bindeth and tyeth the parties, and yet by the opinion of others in the same case, it is affirmed that Concorde executorie are perfect, and doe no lesse bind than Concorde executed, fol. 8. b.

Concubinage.

Concubinage is an exception against her that bringeth an Action for her Dower, whereby it is alledged, That she was not lawfully married to the partie in whose lands shee seekes to be endowed, but his concubine. Brit. ca. 107. Bract. lib. 4. Tract. 6. ca. 8.

Conders.

Conders are those that stand upon the high places nere to the Sea-coast, at the time of spring-fishing, to make signes with boughs, &c. in their hands, to the

Concord.

Concord est define destre le voyer agreement enter parties que entendent le levying dun fine de Terres un al auter, quel voy & en quel manner les terres serrount passe: car en le forme de cee plusors choses sont destre consider. *Vid. west part. 2. tit. Fines & Concorde, Sect. 30.*

Concord est auxy un agreement fait sur aucun trespassé commit perent deux ou plusors, & est divide en un Concord executorie & execute. *Vide Plowd. Casu Reniger & Fogassa, fol. 5. & 6.* ou il appeere per l'opinion d'aucuns, Que l'un ne lia pas cœc estant defective; l'auter estant absolute & oblige les parties: & uncore per l'opinion d'autres en mesme le case, il est affirme, Que Concorde executorie sont perfect, & ne meynes lyerount pas que Concorde execute, fol. 8. b.

Concubinage.

Concubinage est un exception vers luy que port Action pur sa Dower, per que il est alledge, Que el ne fuit loyallyment espouse al partie en queux teris el quere destre endowe, mes son Concubine, Britton. cap. 107. Bract. lib. 4. Tract. 6. cap. 8.

Conders.

Conders sont tiels q̄ estoient sur les alt lieux procheine al coast del Mere, al temps del piscary pur haleques, a faire signes oue Ramaus, &c. en leur maines, al Pesca-

The Exposition of

al Pifcarers, quel voy le troupe
des Haléques paffont: car ils que
eftoyant fur aucun alt petre,
poyent ceo mieux veier que tiels
que font en leur niefes. Ceux
font autrement appel Huers &
Balkers, come appiert per leſta-
ture d'1. *lat. cap. 23.*

Condition.

Condition est un reſtraint ou
bridle annex & joyné al
choſe, ſiſant que per le non per-
formance, ou ſeſans de c, le
partie al Condition recevra
prejudice & parde, & per le per-
formance & faire de c, commo-
ditie & advantage.

Et tous Conditions ſont ou
Conditions actual & expreſſe,
queux ſont appel conditions en
fait, ou ils ſont conditions im-
plicit ou tacite, & nient expreſſe,
les queux ſont appellees condi-
tions en Ley.

Auxy tous conditions ſont
ou conditions precedent & vai-
ant devant leſtature, & ſont exe-
cuted: ou ſubſequent, & veni-
ens apres leſtate & execu-
rie.

Le condition precedent gaine
& obtaine le choſe ou eſtate fait
ſur condition, per le perfor-
mance de l'condition.

Le condition ſubſequent
garde & continue le choſe ou
eſtate fait ſur condition, per le
performance de ycel.

Actual & expreſſe condition,
que eſt appellee un condition
en Fait, eſt un condition écrite
& annexe p expreſſe parols, al
Feoffment, Leaſe, ou Graunt, ou

Fifhers, which way the ſhole of
Herrings paſſeth: for they which
ſtand upon ſome high Cliff, may
ſee it better than thoſe that are in
their Ships. Theſe are other-
wiſe called Huers and Balkers,
as appeareth by the Statute of
1. Jac. cap. 23.

Condition.

Condition is a reſtraint or bridle
annexed and joyned to a thing,
ſo that by the not performance of
not doing thereof, the partie to the
condition ſhall receive prejudice
and loſſe, and by the performance
and doing of the ſame, commodi-
ty and advantage.

And all Conditions are either
Conditions actual and expreſſed,
which be called Conditions in
Deed, or elſe they be Conditions
implied, or covert, and not ex-
preſſed, which are called Condi-
tions in Law.

Alſo all Conditions are either
Conditions precedent and going
before the Eſtate, and are execu-
ted: or elſe ſubſequent and fol-
lowing after the Eſtate, and exe-
cutable.

The Condition precedent both
get or gaine the thing or Eſtate
made upon Condition, by the per-
formance of the ſame.

The Condition ſubſequent both
keepe and continue the thing or
Eſtate made upon Condition, by
the performance of the ſame.

Actual and expreſſe Condi-
tion, which is called a Condition
in Deed, is a Condition writt and
annexed by expreſſe words, to the
Feoffment, Leaſe, or Grant, ei-
ther

ether in writing or without writing: As if I infeoffe a man in lands, reserving a rent to be payd at such a feast, upon condition, that if the feoffee fails of payment at the day, that then it shall be lawfull for me to re-enter.

Condition implied, or covert and not expresse, which is called a condition in Law, is when a man granteth to another the Office to be keeper of a Parke, Steward, Beadle, Bayliffe, or such like, for terme of life, and though there be no condition at all expresse in the Grant, yet the Law speaketh covertly of a condition, which is, That if the Grantee doth not execute all poynts appertaining to his Office, by himselfe or his sufficient Deputie, then it shall be lawfull for the Grantour to enter and discharge him of his Office.

Condition precedent and going before, is when a Lease is made to one for life, upon condition that if the Lessee for life will pay to the Lessor xx. li. at such a day, that then he shall have fee-simple, here the condition precedes & goeth before the estate in fee-simple, and upon the performance of the condition, doth get and gaine the fee-simple.

Condition subsequent and coming after, is when one granteth to J. S. his Mannor of Dale in Fee-simple. upon Condition, That the Grantee shall pay to him at such a day xx. pounds, or else that his Estate shall cease, here the condition is subsequent & following the Estate in fee-simple.

en escript, ou sauns escript. Si cōc jeo enseoffe un hōe ē Terre, reservant Rent, destre payed a ryel Feast, sur condition, Que si le Feoffee faile d' payment al jour, que donques il serra loyal pur moy de re-ēter.

Condition implicite, ou tacite & nient expresse, que est appelle Condition en Ley, est quant home graunt al auter le Office destre Gardeine d'un Parke, Seneschall, Beadle, Bayliffe, ou tiels semblables, pur terme de vie, & nient obstant q̄ la ne soit ascun condition expresse en le Graunt, uncore le ley parle covertment de un condition, quel est, q̄ si le Grantee ne executa pas tous poynts apperteignont a sō office, p luy mesm, ou son sufficient Deputie, donq; serra loyal pur le Grantour de ēter & discharge luy de sō office.

Condition precedent & vauant deuant, est quant un Lease est fait al un pur vie, sur condition, Que si le Lessee pur vie voyle payer al Lessor xx. l. a tiel jour, que donques il avera fee-simple, icy le condition precede & va deuant l'estate en fee-simple, & sur le performance de Condition, get & gayne Fee-simple.

Condition subsequent, & veniens apres, est quant un graunt a J. S. son Mannour de Dale en Fee-simple, sur condition, Que le Grantee payera a luy a tiel jour xx. l. ou autrement que lō estate cessera, icy le condition est subsequent & ensuant lō estate en Fee-simple, & sur le performance

The Exposition of

performance de ycel, gard & continue le estat,

Vies plus de ceo en *Coke*, li. 3. fol. 64. & en *Lit.* li. 3. c. 5. & *Perkins* titulo ultimo de *Conditio*s.

Confederacie.

Confederacie est quauant deux ou plusors homes luy mesmes confedre & faire ascun m le ou damage al aut, ou de faire ascú chose illoyal. Et coment q Brieſe de Conſpiracie ne giſt ſinon que le partie ſoit endite, & en loyal manner acquite, car iſſint ſont les parols del Brieſe, uncore faux confederacie inter divers perſons ſerra punie coment que nul choſe ſoit miſe en ure, & ceo appiert per le Lieure de 27. *Aſſiſ. plac.* 44. ou la eſt un note, que deux fueront endiē de confederacie, cheſcun de eux a maintain auter, le quel lour meſtre ſoit veray ou faux, & nient obſtant que nul choſe ſuit ſuppoſe deſtre miſe en ure, les parties fueront mis a reſponder, pur ceo que cē choſe eſt defendue en la Ley. Iſſint en le procheine article en meſime le Lieure, enquirie ſerra fait de Conſpirators & Conſederators q ſoy enſ eux allyount, &c. de fauxement enditer ou acquitter, &c. le manner del alliance, & enter queux, quel prove auxy que confederacie & enditer ou acquiter coment q rien ſoit execute, eſt puniſhable per la ley. Et eſt deſtre obſerve que ceux confederacies puniſhable per Ley devant que ils ſont execute covient d'aver quater

ple, and upon the performance thereof doth kepe and continue the Estate.

See more of this in *Coke* lib. 3. fol 64. and in *Lit.* li. 3. c. 5. and *Perkins* in the laſt title of *Conditions*:

Confederacie.

Confederacie is when two or more men confederate themselves to doe any hurt or damage to another, or to doe any unlawful thing. And although a writ of Conſpiracie doth not lie if that the parties bee not indicted, and in lawfull manner acquitted, for so are the words of the writ, yet false confederacie betwene divers persons ſhal be puniſhed, although that nothing be put in ure, and this appeareth by the *Wooke* of 27 *Aſſiſ. placit.* 44. where there is a note, That two were indicted of Confederacie, each of them to maintaine other, whether their matter were true or false, and although nothing was supposed to be put in ure, the parties were put to answer, for as much as this thing is forbidden in the Law. So in the next Article in the same *Wooke*, enquirie ſhall be made of conſpirators and confederators, which bind themselves together, &c. faulſly to endite or acquit, &c. the manner of their binding, and betwene whom, which proverb also that confederacie to indite or acquit, although nothing be done, is puniſhable by the law. And it is to be obſerved that this confederacie puniſhable by Law before it be executed, ought to have foure incidents. First, it ought to

to be declared by some matter of profection, as by making of bonds or promises the one to the other: Secondly, it ought to be malicious as for unjust revenge: Thirdly, it ought to be false against an innocent: and lastly, it ought to be out of Court voluntarie.

Confession del offence.

Confession del offence is when a prisoner is appealed or indicted of Treason or felonie, and brought to the barre to be arraigned thereof, and his indictment is read unto him, and hee is demanded by the Court what he can say thereto, then either he confesseth the offence and the indictment to be true, or hee estrangeth himselfe from the offence and pleaderth not guiltie, or else giveth an indirect answer, and so in effect standeth mute.

And confession may be done in two sorts, and to two severall ends; whereof the one is, he may confesse the offence whereof hee is indicted openly in the Court before the Judge, and submit himselfe to the censure and judgement of the Law: which confession of the prisoner himselfe is the most certaine answer and best satisfaction that may be given to the Judge to condemne the offender, so that the said confession proceedeth freely and of his owne accord, without any threats, force, or rigorous extremitie used; for if the confession groweth from any of these causes, it ought not to be recorded. As a woman was in-

incidents. Primerment covient estre declare per ascun matter de profection cōe p felant de bōds ou promises l'un al autre: secondermēt coviēt estre malicious cōe pur unjust revenge: tiercement covient estre faux encoñ un innocent: & derniermēt coviēt estre hors de Court voluntariment.

Confession del offence.

Confession del offence est quant un prisoner est appeale ou indite de Treason ou Felonie, & trahe al barre destre arraigne de c'; & son indictment est lie a luy, & il est dēe per le Court que il voyle dire a ceo, donque ou il confesse le offence, & le enditement destre voyer, ou il estranger luy mesm del offence & plede nient culpable, ou autrement done un indirect respons, & issint en effect estoia mute.

Et confession poit estre fait en deux sorts, & a deux severall fines, de q lun est, il poit confesse le offence de que il est indict appiertment en le Court devant l' Judge, & submit luy mesme ad censure & judgement del Ley. Quel confession del prisoner luy mesme est le plus certaine respons & meux satisfaction que poit estre deliver al Judge, a condemner le offender, issint que le dit confession proceeda frankment & de son volunt demesne sans ascun menace, force, ou rigorous extremitie use; car si le confession surde de ascun de ceux causes, il ne doit estre recorde. Cōme feme fuit indict

The Exposition of

pur le felonious ebleer de pane ad value de 2. s. & esteant de ceo arraigne, el confesse le felonie, & dit que el ceo fait per le cominaundement de sa Baron, & les Judges en compassion ne voient recorder sa confession, mes cause luy de pleader non culpable al felonie: sur que le Jurie esteant charge, il fuit troue q̄ el emblea le pane per le compulsion de sa Baron encouter sa volunt, per quel meistre el fuit discharge, 27. Aff. Pla. 50.

L'auter sort de Confession de Felony que est fait per un prisoner a son arraignment, apptnt en Court devant le Judge, est quant le prisoner confesse l'endictment destre voyer, & que il ad cōmit le offence de que il est indict, & donque devient un approver, cest adire, un accuser de auters queux ont commit mesme le offence de q̄ il est indict, ou auters offences oue luy, & donque pria le Judge d'aver un Coroner assigne a luy, a que il poit faire relation de ceux offences, & del pleine circonstances de eux.

La est auxy un tierce sort de confession, fait per un offender en felonie, que nest en Court devant le Judge, come l'auters deux sont, mes devāt le Coroner ē un Esglise ou auter lieu privilege, sur q̄ l'offendor p l'ancien ley del Roialme est de faire son abjuration hors del Roialme.

Confirmation.

Confirmation est quauant un q̄ avoit droit al ascun terres ou

dicted for the felonious taking of bread to the value of two shillings, and being thereof arraigned, shee confessed the felonie, and said that shee did it by the commandment of her husband, and the Judges in pittie would not record her confession, but caused her to plead not guilty to the felonie: whereupon the Jurie being charged, it was found that shee stole the bread by the compulsion of her husband against her will, for which cause she was discharged, 27. Aff. Pl. 50.

The other kind of confession of felonie which is made by a prisoner at his arraignment, openly in Court before the Judge, is when the prisoner confesse the indictment to be true, and that he hath committed the offence whereof he is indicted, and then becommeth an approver, that is to say, an accuser of others which have committed the same offence whereof he is indicted, or other offences with him, and then prayeth the Judge to have a Coroner assigned to him, to whom hee may make relation of those offences, and of the full circumstances thereof.

There is also a third kind of confession, made by an offender in felonie, which is not in Court before the Judge as the other two are, but before a Coroner, in a Church or other privileged place, upon which the offender by the ancient Law of the Realme is to be abjured the Realme.

Confirmation.

Confirmation is whē one which hath right to any lands or tenements

nements, maketh a deed to another which hath thereof the possession, or some estate with these words, Ratificasse, Approbasse, Confirmasse, with intent to enlarge his estate, or make his possession perfect and not defensible by him that maketh the confirmation, nor by any other that may have his right.

Whereof see more in Littleton lib.3. cap.9. of Confirmations.

Confiscate.

Confiscate, this word is derived from the Latine word *Fiscus*, which originally signifieth an Hamper or Basket, but metonymically, the Princes treasure, because that in ancient time it was put in Hampers or frailes. And although our King doth not put his treasure in such things, yet as the Romans have said, that such goods as were forfeited to the Emperours treasure, were *Bona Confiscata*; in like manner doe we say of such goods as are forfeited to the Kings Exchequer. And the title to have these goods, is given to the King by the Law when they are not claimed by some other; as if a man be indicted, that he feloniously stole the goods of another man, where in truth they are the proper goods of him indicted, & they are brought in Court against him as the manner, and hee there asked, What hee sayth to the said goods? To which he disclaimeth: Where by this disclaimer hee shall lose the goods, although that afterwards hee be acquitted of the felony, and

tenements fait un fait a un auter q̄ avoit ent le possession ou ascū estate oveſque ceux parolz, *Ratificasse, Approbasse, Confirmasse*, oue entent de enlarger sō estate, ou faire son possession perfect & nient defensible per luy que fait le confirmation, ne per ascun auter que poit aveigner a son droit.

Dont veies pluis en Littleton lib.3. cap.9. de Confirmations.

Confiscate.

Confiscate, cest parol est prise del Latine parol *Fiscus*, que originalmt signifie un Hanaper ou Fraile; mes p implication, le treasure del Soveraigne, pur ceo q̄ en veiel tēps il fuit mi en Hanapers ou Frailes. Et niēt obſtāt que nostre Roy ne mit son treasure en tiels choses, uncore come les Romans ont dit, que tiels biens que fueront forfeit al treasure del Emperor, esteant *Bona Confiscata*, en mesine le manner nous diomus de tiels biens, que sont forfeit al Eschequer de nostre Roy. Et le tittle d'aver ceux biens est done al Roy per le ley quant ils ne sont claime per ascū auter; come si home soit inditee, que il feloniously emble les biens d'un auter home, lou en veritie ils sont les proper biens l'enditee, & ils sont mises en Court vers luy come maneur, & la demaund est de luy, Que il dit as dits biens? As queux il disclaima: Icy per cel disclaimer il perdra les biens, coment que apres ils soit acquite del Felonie, & le Roy eux avera come confiscate.

The Exposition of

que : Mes autrement est, si
ne disclayma en eux.

Mesme le Ley est ou biens
font troves en le possession d'un
Laron, queux il disavowa, & puis
est attainé de auters biens, &
nemy de ceux, icy les biens qu'il
disavowa, sont al Roy come
confisques: Mes usort il attainé
de meinaes les biens, ils ferroyét
aver este appellees forseits, & ne-
my confisques, nient obstant
son disavowement. Issint si Ap-
peale de Robberie soit port, &
le Plaintife interlessa aucun de
ses biens, il ne serra receive
denlarger son Appeale, & en-
tant que nul est icy daver
les biens issint interlessé, le
Roy eux ayera come confis-
que accordant al veiel dit,
Quod non capit Christus, capit
fiscus. Et come en le case avant-
dit, le Ley punie l'owner pur
son negligence ou connivencie,
issint le Ley abhorre malice, en
querance le sanke de aucun sans
just cause, Et pur ceo si A. ad le
biens de B. per bailement ou
trover, & B. port Appeale vers
A. pur prendre eux felonious-
ment, & troue est que eux
fueront les biens le Plaintife, &
que le defendant vient a eux
loyalment, en cest case ceux
biens serront confisque al Roy,
pur le faux & malicious Ap-
peale.

Congeable.

Congeable veigne del paroll
Francois (*Conge, id est, venia*)
Et signifie en nostre common

the King shall have them as con-
fiscated: but otherwise it is, if he
doth not disclaime in them.

The same Law is where goods
are found in the felons possession,
which he disavoweth, and after-
wards is attained of other goods,
and not of them, there the goods
which he disavoweth, are as con-
fiscate to the King: but had hee
been attained of the same goods,
they should have bene said for-
feited, and not confiscate, not-
withstanding his disavowment.
So if an Appeale of Robberie be
brought, and the Plaintife leaveth
out some of his goods, he shall not
be receiv'd to enlarge his Ap-
peale: and for as much as there
is none to have the goods so left
out, the King shall have them as
confiscate, according to the old
Rule, *Quod non capit Christus,*
capit fiscus. And as in the case a-
foresaid, the Law punisheth the
owner for his negligence and con-
nivency, so the Law abhorreth
malice, in seeking the blood of
any, without just cause. And
therefore if A. hath the goods of
B. by deliverie, or finding, and
B. brings an Appeale against A.
for taking them feloniously, and
it is found that they were the
Plaintifes goods, & that the Def.
came lawfully by them, in this
case these goods are confiscate to
the King, because of the false and
malicious Appeale.

Congeable.

Congeable comes of the French
word (*Conge, id est, venia*)
And it signifies in our common
Law,

Law, as much as lawfull or lawfully done, and so Master Littleton uses the word in his 410. Section, where he says that the entry of the Disseise is congeable.

Conge d'essire.

Conge d'essire, power of choosing, is the Kings Royall permission to any Deane and Chapter in time of vacancy to chuse a Bishop; or to an Abby or Priory of his own foundation, to chuse their Abbot, or Prior. *Fit. Na. Br. fol. 169. b. 170. b. c. &c.* Concerning this matter, Master Gwyn in the Preface to his Readings, saith, That the King of England, as soveraign Patron of all Archbishopsricks, Bishopsricks, and other Ecclesiasticall Benefices had of ancient time free disposition of all Ecclesiasticall dignities whensoever they happen to be voyde, investing them, first per baculum & annulum, and afterwards by his Letters Patents, and that in progresse of time, they gave power to make election under certaine formes and conditions: as namely, that they upon every vacation shall intreat of the king Conge d'essire, that is, licence to proceed to election, and then after the election to crave his Royall assent, &c. And further he affirmeth by good proofe out of the Common law booke, that King John was the first that granted it, and that it was afterward confirmed by Westm. 1. cap. 1. which Statute was made Anno 3. Ed. 1. and againe, by the Statute de Art. Cleri. cap. 2. which was obtained Anno 25. Ed. 3. Stat. 3.

Ley, tant come loyall ou loyallment fait, & issint est use per Monsieur Littleton en son 410. Section, lou il dit que l'entry del Disseisee est congeable.

Conge d'essire.

Conge d'essire, venia eligendi, est le permission Royal del Roy, a asc' Deane & Chapter en temps de Vacation d'essire un Euesque, ou a un Abbey ou Priorie de son foundation demesne deslier leur Abbot, ou Prior. *F.N.B. fol. 169 b. 170. b. c. &c.* Touchant cest chose, Monsieur Gwyn é le Preface a ses Lectures dit, q le Roy Dengleterre, cõe soveraine Patró de tous Archievesqueries, Evesqueries, & auters Benefices Ecclesiasticall, ad de ancient temps frank disposition d' tous dignities Ecclesiasticall, oucunque ils happa destre void, investant eux, primerment *per baculum & annulum*, & puis per ses Letters Patents, & que en pgressé de tēps ils done poyer as auters a faire election, south ascun formes & conditions: come nosineint, que ils a chescun vacation demanderont del Roy *Conge d'essire*, cest-ascavoir, licence a proceder al election, & donque puis le election d'obsecrer son Royal assent, &c. Et ouster il affirme p bone pbaton hors des liuers del Cõmon Ley, que le Roy Joan fuit le primer que granta ceo, & que il fuit puis confirme per *westm. 1. cap. 1.* q l statute fuit fait *Anno 3. Ed. 1.* & arere per le statute de *Art. Cleri, cap. 2.* que fuit ordaine *Anno 25. Ed. 3. Stat. 3.*

L 4

Conjuration.

The Exposition of

Conjurat[i]on.

Conjurat[i]on est un cōpact ou plot fait p homes combinant eux mesmes ensemble per serement ou parol a faire asc' publique leide. Mes il est pluis cōmunement use pur tiels queux ont psonal parlance ou le Diable ou male esperit a cognostre ascun secret, ou de faire ascun chose, *Ann. 5. Eliz. cap. 16.* Et le difference penter Conjurat[i]on & Witchcraft poit estre dit destre ceo, pur c' q' l'un semble p Orizons & invocation sur le potent noline de Dieu, de compeller le Diable adire ou faire que il luy command; & l'auter fait pluis per un amicable & voluntarie parlance ou concord penter luy ou el & le Diable ou esperit d'aver sa ou son volunt & choses effect, en lieu de sangue ou auter done offer a luy, primerment de son ou sa soule: Et ambideux ceux differont d'enchantments ou Sorceries, pur ceo que ils sont personal parlanges ou le Diable, come est dit; mes ceux sont forsque medicines & ceremonial formes de parols, communement appel Charms, sans apparition.

Conservator del Truce.

Conservator del Truce fuit un Officer constitute en chescū port del mere, south les Letters Patents le Roy, & ad 40. l' pur son annual salarie, al meins. Son charge fuit denquir de tous offences faits enuers le Truce, & safe conducts del Roy, sur le pleine Mere, hors des pais &

Conjurat[i]on.

Conjurat[i]on is a compact or plot made by men, combining themselves together by oath or promise to doe any publike harme. But it is moze commonly used for such as have personall conferences with the Devill or evill spirit to know any secret, or to effect any purpose, *An. 5. Eliz. c. 16.* And the difference betwene Conjurat[i]on and witchcraft may be said to be this, because that the one seeth by prayers and invocation upon the powerfull name of God, to compell the Devill to say or doe what hee commandeth; and the other doth rather by a friendly and voluntarie conference or agreement betwene him or her, and the Devill or familiar, to have his or her desires and purposes effected, in stead of blond or other gift offered unto him, especially of his or her soule: And both these differ from Enchantments or Sorceries, because that they are personall conferences with the Devill, as is said; but these are but medicines and ceremoniall formes of words, commonly called Charms, without apparition.

Conservator of the Truce.

Conservator of the Truce was an Officer appointed in every Port of the Sea under the Kings Letters Patents, and had 40. li. for his yearly stipend at the least. His charge was to inquire of all offences done against the Kings Truce, & safe Conducts, upon the maine Sea, out of the countries

countries and out of the liberties of the 5. Ports of the R. as the Admirals of custome have used to doe, and such other things as are declared añ. 2. H. 5. c. 6. Touching this matter, you may read the other Statute of Anno 4 H. 5. c. 7.

Conservator of the peace.

Conservator of the Peace is he that hath an especiall charge by vertue of his office to see the Kings peace kept. which peace in effect is defined to be a withholding or abstinence from that injurious force and violence that unruly & boisterous men are in their natures prone to use towards others, were they not restrained by laws and fears of punishment. Of these conservators M. Lamb. further saith; that befoze the time of King E. 3. who first appointed Just. of Peace, there were sundry persons who by the common Law had interest in the keeping of the Peace. Of those some had that charge as incident to their offices, and so included within the same, & yet notwithstanding were called by the name of their office onely: some others had it simply as of it selfe, and were thereof named Custod pacis, Wardens or Conservators of the Peace. And both these sorts are againe subdivided by M. Lambert, in his Eirenarcha, lib. 1. cap. 3.

Consideration.

Consideration is the materiall cause of a contract, without the which no contract can binde the partie: this consideration is et-

hors des franchises del Cinque Ports le Roy, come le Admirals de custome ont use de faire, & tiels auters choses come sont declare, Anno 2. H. 5. cap. 6. Touchant cest chose, voyez lier l'auter statute de An. 4. H. 5. cap. 7.

Conservator del peace.

Conservator del Peace est celui q̄ ad un especial charge per vertue de son Office, a veier le peace le Roy observe. Quel peace en effect est define destre un detention ou abstinence de cel injurious force & violence q̄ homes irregular & indomit sont en leur natures apt de user envers auters, sinon que ils fuer restraine pleyes & pavor de castigac'. De ceux Conservators Monsieur Lambert ouster dit, q̄ devant le temps del Roy Ed. 3. que primermt cōstitute Just. del Peace, la fuer diūs persons que p le common ley aver intēst en le gardiancy del Peace. De ceux ascuns ont c'charge cōe incident a leur offices, & issint include deins m̄, nient obstant ils fuer appel per le nosme d' leur office solemt: asc' auts ont ceo solemt cōe de luy m̄, & fuer' de c' nosm Custodes Pacis, Gardians ou Conservators del Peace. Et ceux ambideux sorts sont arere subdivide per M. Lambert en son Eirenarcha, lib. 1. cap. 3.

Consideration.

Consideratiō ēl'essential cause dun Contract, sans le q̄l nul Contract poit lier le partie: ceo Consideration est ou expresse, sicome

The Exposition of

ficome quaut un hœe bargain a dœer vint soulz pur un Chival: ou est implie, sicome quant le Ley mesme enforce un consideration, come si un home vient en un comun hostel, & la commorant ascun temps, prist viands & gisure, ou ascun, p̄ luy mesme, ou pur son Chival. le ley presume q̄ il entend a payer p̄ ambideux, nient obstant riens soit ouster Covenant penē luy & son hostler, & pur c' sil ne discharga pas le meason, le hostl' poit retaiñ son Chival.

Auxy la est consideration de nature & sanke, & valuable consideration, & pur ceo si home soit endet a divers auters, & nient obstant en consideration de natural affection done tous les biens a son Fils ou Cosine, ceo serra entend destř un fraudulent dœe deins l'act de 13. *Eliz. cap. 5.* pur ceo que cest act entend un valuable consideration.

Consistory.

Consistory est Mease del Couñsel pur persons Ecclesiastical, & est un parol emprunt del Italiano ou plus tost des Lūbards, & signifie tant cœe *Prætorium*. Est *vocabulum utriusque iuris*, & est use pur le lieu del Justice en les courts espirituels ou Christians.

Convocation.

Convocation est communemēt prise p̄ l' assembly d̄ tout les Clerks, p̄ cōsulē de choses ecclesiastical, en temps de Parlemt; & sicome la sont deux measons de Parlemt, issint la sont deux lieux

ther expresse, as when a man bargaineth to gibe x. s. for a horse: or is implied, as when the Law it selfe enforceth a consideration, as if a man comes into a common Inn. and there staying some time, takes meat or lodging, or either, for himselfe or for his horse, the Law presumeth that he intendeth to pay for both, notwithstanding that nothing be further covenanted betwene him and his host, and therefore if hee discharges not the house, the host may stay his horse.

Also there is consideration of nature and blood, & valuable consideration, and therefore if a man be indebted to divers others, and yet notwithstanding in consideration of naturall affection giveth all his goods to his son or cousin, this shal be construed a fraudulent gift within the act of 13. *Eliz. cap. 5.* because that this Act intendeth a valuable consideration.

Consistory.

Consistory is the Counsell house of Ecclesiasticall persons, and it is a word borrowed of the Italians, or rather the Lumbards, and signifies as much as tribunall. It is *vocabulum utriusque iuris*, & is used for the place of Justice in the courts Christian or Spirituall.

Convocation.

Convocation is commonly taken for the assembly of all the Clergie to consult of Ecclesiastical matters in time of Parliament: and as there are two houses of Parliament, so there are two places

places called Convocation houses, the one called the higher Convocation house, where the Archbishops and Bishops sit severally by themselves; the other, the lower Convocation house, where all the rest of the Clergie are bestowed. *Vide Prolocutor.*

Consolidation.

Consolidation is used for the combining and uniting of two Benefices in one; and this word is taken from the *Civilis Law*, where it properly signifieth, a uniting of the possession, occupation, or profit, with the property: as if a man hath by legacy, *usum fructus fundi*, and, after purchaseth the property or fee-simple of the heire, in this case a consolidation is made of the profits and property, *Vide Brook. tit. Union.*

Conspiracie.

Conspiracie, notwithstanding that in Latin and French it is used for an Agreement of men to doe a good or evil thing, yet it is commonly taken in the Law in the evil part: It is defined in 34. Ed. 1. Statute 2. to bee an agreement of such as confeder or binde themselves by oath, covenant, or other allyance, that every of them shall beare and ayde the other falsely and maliciously, to indite or falsly to move or maintain Plees, and also such as cause Children within age to appeale men of Felony, whereby they are imprisoned and soe grieved: and such as maintain men in the Country with Libe-

appel meafors de Cónvocatiõ, l'un appel le plus alt meafors de Convocation, ou les Archevesques & Evêques sedont severalmnt p eux mefmes, l'auter le inferior meafors de convocation, ou tout le residue des Clerks sont bestowed. *Vide Prolocutor.*

Consolidation.

Consolidation est use pur le combinancie & unificence de deux Benefices en un; & cest parol est prise de le Ley Civile, ou il propermnt signifie un uniting del possession, occupation, ou profit oue le property: come si home ad p legacy, *usum fructum fundi*, & puis purchale le property, ou fee-simple del heire, en ceo case un consolidation est fait des profits & property, *Vide Brook. tit. Union.*

Conspiracie.

Conspiracie, nient obstant que é Latyn & Frâcois est use pur un agreement des homes, a faire un chose bone ou male, uncore il est communemnt prise en le ley en l'male part: Il est define en 34 Edw. 1. Stat. 2. destre un agreement de tiels q confederõt ou lierõt eux mefmes p seremnt, covenant, ou auter allyance, que chescun de eux portera & aidera l'auter fauxmnt & maliciousment, denditer, ou fauxmnt a mover ou maintenir Plees, & auxy tiels, q causat Enfants deins age d'appealer hões de Felony, p que ils sont imprison & durement grieve: & tiels que reteignent gents en le pais oue liveries ou fees de

The Exposition of

de maintenir lour actions malicieux, & ceo extend cybié a les prisors come les donors. Auxy Seneschals & Reeves de grand Seigniors, que per lour Seignorie, Office, ou poyar, assume de porter ou maintenir quarrels, plees, ou debates que concernount auters parties, que tiels que touchant l'estate de lour Seigniors, ou deux mesmes, Anno 4. Edward 3. cap. 11. 3. Hen. 7. cap. 13. Et de ceo vies pluis, 1. Hen. 5. cap. 3. 18. H. 6. cap. 12. & auxy en le veiel Lieure de Entries, verb. *Conspiracie*.

Et ceo parol en les lieux devaunt rehearse, il prise pluis generalment, & est confound oue Maintenance & Champertie, mes en un pluis special signification il est prise pur un Confederacie parenter deux, ou plusors, fausement enditer un, ou de procurer un destre endicte de Felonie: Et le punishment de Conspiracie sur un Indictment de Felonie al suit le Roy, est, Que le partie attaint perdera son Frank Ley, al entent que il ne soit impannell sur Juries, ou Assises, ou tiels semblables employments pur le testification del voyertie: Et sil ad a faire en le Court le Roy, que il fait son Atturney, & que ses Terres, Biens, & Chattels, sont seise en les maines le Roy, ses Terres estreape, ses Arbres desosse, & son corps commise al prison, 27. Lib. Assise 59. Crompton 156. b. ceo est appel villanous judgement.

ries and fees to maintain the malicious enterprises, and this extendeth as well to the Takers as to the Givers. Also Stewards and Bayliffs of great Lords. who by their Seignorie, Office, or Power, undertake to beare or maintaine quarrels, Plees, or debates that concerne other parties than such as touch the Estate of their Lords, or of themselves, Anno 4. Edward 3. cap. 11. 3. Hen. 7. cap. 13. And therefore see more, 1. Hen. 5. cap. 3. 18. H. 6. cap. 12. and also in the old Booke of Entries, Word Conspiracie.

And this word in the places before rehearsed, is taken more generally, and is confounded with Maintenance and Champerty, but in a more speciall signification it is taken for a confederacie betweene two, or more falsly to indite one, or to procure one to be indicted of Felony: And the punishment of Conspiracy upon an Indictment of Felony at the Suit of the King, is, That the party attainted shall lose his Frank Lawe, to the intent that hee be not impannelled upon Juries or Assises, or such like employments, for the testifying of the truth: And if he hath to doe in the Kings Court, that hee maketh his Atturney, and that his Lands, Goods, and Chattels bee seised into the Kings hands, his Lands estreaped, his Trees digged up, and his body committed to Prison, 27. Lib. Assise 59. Crom. 156. b. this is called villanous judgement,

ment. But if the party grieved
will sue a writ of Conspiracy,
then see Fitz. N. B. 124. d. 115.
i. &c.

Constable.

Constable is diversly used in
the Common Law: And first
the Constable of England, who
is also called Marshall, Stawn.
Pl. Cor. fol. 65. of whose antho-
ritie and dignitie a man may finde
many arguments and signes, as
well in the Statutes, as in the
Chronicles of this Realme: his
sway consisteth in the care of the
common peace of the land, in deeds
of armes and matters of warres,
Lamb. Duties of Constables,
num. 4. wherewith agreeth the
Statute of 13. R. 2. cap. 2. Stat. 1.
Of this Officer or Magistrate,
M. Gwyn in the Preface to his
Readings, saith to this purpose,
The Court of the Constable
and Marshall determineth Con-
tracts touching Deeds of armes
out of the Realme, and hand-
leth things concerning warres
within the Realme, as Com-
bats, Blasons of Armes, and
such like, but he hath nothing
to doe with battell in appeale, nor
generally with any other thing
that may be tryed by the Law
of the Land. See Fortescue,
ca. 32. This office heretofore was
appertaining to Lords of certaine
Manors, Jure feudi, and why it
is discontinued, See Dyer 285.
placio 39.

Out of this Magistracie (saith
M. Lambert) were drawne these
lower Constables, which were

Mes si le partie grieve voyle
suer un Briefe de Conspiracy,
donque veies Fitz. N. B. 114. d.
115. i. &c.

Constable.

Constable est diversement use
en le Common Ley; Et pri-
merment, le Constable D'en-
gleterre, que est auxy appel
Marshal, Stawn. Pl. Cor. fo. 65.
de lauthoritie & dignitie d quel
home poit trover plusors argu-
ments & signes cybien en les
Statutes, come les Chronicles
de ceo Royalme: son poyar con-
sist en le care del Commo peace
del Terre, en faits marshal, &
choses de chivalrie, Lamb. Du-
ties des Constables, num. 4. oue
que agree le Statute de 13.
Rich. 2. cap. 2. Statute 1. De
ceo Officer ou Magistrate, Mon-
sieur Gwyn en le Preface a ses
Lectures dit a tiel effect, Le
Court de Constable & Marshal
finist contracts touchant faits de
Chivalrie, hors del Royalme,
& treat choses concernount
guerres deins le Royalme, come
combats, blasons d'armorie, &
tiels seblables, mes il nad a faire
oue battel en appeale, ne gene-
ralmt oue ascun aut chose que
poit estre trye p les leys del fre.
Veies Fortescue cap. 32. Cest
office en temps par devant, fuit
appteynant al Sñrs de certaine
Manors, Jure feudi, & pur quel
cause c' discontinue, Veies Dyer
285. Pl. 39.

Hors de cel Magistracie, (dit
Monsieur Lambert) fuer' trahe
ceux south Constables, les quels
nous

The Exposition of

nous appellomus Constables des Hundreds & Franchises, & primum ordein per l'estatuf de *winch. 13. E. 1.* le quel appoint p l' conservation del Peace, & view d'armor, deux Constables E chescū Hundred & Franchise, & ceux sont a cest iour appel alt Cōstables, p c' q l'encrease des gents & peches, ad arere south ceux fait aus en chesc' ville, appel petit Constables, queux sont de semblable nature, mes d' inferior autoritie al autre.

Ouster ceux la sont Officers de particular lieux, appel' per cest nomme, cōc Constable del Tower, *Stawn. 152. 1. Hen. 4. 13.* Constable de Exchequer, *15. Henr. 3. Stat. 5.* Constable de Douer Castle *Camb. Brit. p. 239. Fitz N. B. aufmt appelle Castellaine M. Manwood part. 1. cap. 13.* de ses *Leyes del Forest*, fait mention dun Constable del Forest.

Consultation.

Consultation est un Briefe per que un cause esteant par deuaunt remove per prohibition, hors del Court Ecclesiasticall, ou Court Christian, al Court le Roy, est la retourne arere: Car si les Judges del Court le Roy comparont le libel oue le suggestion del partie, trouant le suggestion faux, ou nient proue, & pur ceo le cause destre tortiousment appelle del Court Christeine; donque sur ceo consultation ou deliberation, ils decree ceo destre retourne arere, sur que le Briefe en ceo case ob-

tain **Constables of Hundreds and Liberties**, and first ordained by the **Statute of Winch. 13. Edw. 1.** which appoints for the conservation of the peace, and view of Arms, two constables in every Hundred and liberty, and these be at this day called high Constables, because the increase of people and offences, hath againe under these made others in every towne, called petty Constables, who are of the like nature, but of inferior authority to the other.

Besides these, there are officers of particular places called by this name, as Constable of the Tower, *Stawn. 152. 1. H. 4. 13.* Constable of the Exchequer, *15. H. 3. Stat. 5.* Constable of Dover Castle, *Camb. Brit. p. 239. Fitz. N. B. otherwise called Castellain. M. Manwood part. 1. cap. 13.* of his Forest Lawes, maketh mention of a Constable of the Forest.

Consultation.

Consultation is a Writ where by a cause being formerly removed by prohibition, out of the Ecclesiasticall Court or Court Christian, to the Kings Court, is returned thither againe: For if the Judges of the Kings Court comparing the Libell with the suggestion of the party, finde the suggestion false, or not proved, and therefore the cause to be wrongfully called from the Court Christian, then upon this consultation or deliberation, they decree it to be returned againe, whereupon the writ in this case obtained,

obtained, is called a Consultation. Of this you may read the Reg. orig. fol. 44. untill fol. 58. Old N.B. fo. 32. & F.N.B. fo. 50.

taine est appel un Consultation. De ceo vous poyes lier le Regist. o ig. fo. 44. ielsque fol. 58. Vet. N.B. fo 32. & F.N.B. fo. 50.

Contentement.

Contentement.

Contenement, semeth to be the freehold land that lieth to the Tenement of dwelling house that is in his owne occupation; for in Magna Charta cap. 14. there are such words, A freeman shall not be amerced for a small fault, but according to the quantite of the fault, and for a great fault, according to the manner thereof, saving unto him his Contentement of freehold: And a Merchant shall also be amerced, saving to him his Merchandises, and a villeine saving to him his wainage.

Contenement, semble destre le Franktenement Terre que gist al tenement ou meason que est en son occupation demesne; Car en Magna Charta cap. 14. la sont tiels parols, Vn Franke home ne serra amcie pur un petit offence, mes accordant al quantitie del offence, & pur un grand offence, accordant al manner de ceo, savant a luy son contentement ou franktenement: Et un Merchant serra auxy amercy, savant a luy ses Merchandizes, & un villeine savant a luy son gainage.

Continuance.

Continuance.

Continuance in the Common Law is of the same signification with Prorogatio in the Civile Law: As continuance untill the next Assise, F. N. B. 154. fol. and 244. d. in both which places it is said, That if a Record in the Tresurie be alleged by the one partie, and denied by the other, a Certiorari shall be sued to the Treasurer and the Chamberlaine of the Exchequer, and if they doe not certifie in the Chancery that such Record is there, or that it is like to be in the Tower, the King shall send to the Justices, repeating the said Certificate, and commanding them to continue the Assise. In this signification it is also used

Continuance en le Common Ley est de mesme significatio oue Prorogatio en le Civile Ley: come continuance ielsque le procheine assise, F. N. B. 154. fol. & 244. d. en queux ambideux lieus il est dit, Que si un record en le Tresurie soit alleger per l'un party & denie per l'auter, un Certiorari serra sue al Treasurer & le Chamberleine d'exchequer, & ils ne certifie pas en le Chancery que tiel record est la, ou que est semblable destre en le Tower, le Roy mittera al Justices, recytant le dit Certificate, & commandant eux de continuer l'assise. En ceo signification est auxy use per
Kitchen

The Exposition of

Kitchin 202. & 199. auxy Anno
11. H. 6. cap. 4.

by *Kyrchin, 202. and 199. also*
Anno 11. H. 6. cap. 4.

Custome.

Confuetudin' & servitiis, est un Briefe, & gift lou ieo ou mes ancestors depuis le limitatiõ de Affise (pur quel veies le Title de Limitation è le Collectiõ de Statutes) ne fueront seifies des custões ou services demõ tenât, mes deuât, donques ieo aûa cẽ bfe pur recouerer ceux seruices.

Auxy le tenaunt poit auer cest Briefe vers son Seignieur, mes apres que le tenant ad count, le Seignieur defendra les motes del Count, & repliant dirra, que il ne distreina pas pur les Customes dont le count est, & dôques il countera tout le count de les Customes & Seruices, & donques le tenaunt que fuit pl'deuientra defendant, & defendra per battaille ou grand Affise.

Continual claime.

Continual claime est lou home ad droit de entre en certaine terres dont un auter est seisie en Fee simple, ou Fee taile, & il ne osast enter pur pauour de mort ou batterie, mes approchay pres come il osast, & fait claime a ceo deins le an & jour deuant le mort de cestuy que ad le terre, si apres cestuy que ad le terre deuie seisie, & son heire est eins per discent, uncore cestuy que fait tiel claime poit enter sur le heire, nient contristiant tiel discent, pur ceo que il ad fait tiel continual

Custome.

Customes and services is a writ, and lyeth where I or my ancestors after the limitation of Affise (for which, see the title of Limitation in the collection of Statutes) were not seised of the customs or services of my tenant before, then I shall have this writ to recover those services.

Also the tenant may have this writ against his Lord, but after that the tenant hath declared, the Lord shall defend the words of the declaration, and replying shall say, that hee distrained not for the customs whereof the declaration is, and then hee shall declare all the declaration of the customs and services, and then the tenant, who was plaintiffe, shall become defendant, and shall defend by battaille or great Affise.

Continuall claime.

Continuall claime is where a man hath right to enter into certaine lands whereof another is seised in Fee simple, or Fee taile, and hee dare not enter for feare of death or beating, but approacheth as nigh as he dare, and maketh claime thereto within the yeare and day before the death of him that hath the Lands, if after he which hath the land die seised, and his heire is in by discent, yet he that maketh such claims may enter upon the heire, notwithstanding such discent, for that that he hath made such continuall claime:

claime: but it behobeth that such claime alwayes bee made within the yeare and the day before the death of the Tenant, for if such a Tenant doe not dye seised within a yeare and a day after such claime made, and yet hee that hath right dare not enter, then it behobeth him that hath such right to make another claime within the yeare and day after the first claime, and after such second claime, to make the third claime within the yeare and day, if he will be sure to save his entrie.

But if the Disseisor dye seised within the yeare and day after the disseisin, and no claime made, then the entrie of the disseises is taken away, for the yeare and day shall not bee taken from the time of the title of the entrie to him growne, but onely from the time of the last claime by him, made, as is aforesaid. See more hereof in Littleton lib. 3. cap. 7. and see now the Stat. 32. H. 8. cap. 33.

Counterplee.

Counterplee is when one bringeth an action, & the tenāt in his answer, and pleā, voucheth or callēth for any man to warrant his title, or prayeth in ayde of another, which hath better estate than hee, as of him that is in the reversion, or if one that is a stranger to the action, come & pray to bee received, to save his estate, if the demandant reply thereto, and shew cause that hee ought not such a one to vouch, or that hee ought not of such a one to have ayde, or that such a one ought not to be

claime. Mes il covient que cest claime tous foits soit fait deins l'an & jour devant le mort le tenaunt, car si tiel tenaunt ne morust seisie deins l'an & jour apres tiel claime fait, & uncore il que ad droit nosast enter, donques covient al cestuy que ad tyel droit de faire auter claime deins l'an & jour apres le primer claime, & apres tiel second claime de faire le tierce claime deins l'an & jour, si il voit este sure de saver son entrie.

Mes si le Disseisor devie seisie deins l'an & jour apres le disseisin, & nul claime fait, donques le entrie le disseisee est tolle, car l'an & jour ne serra prise de le temps del title d'entree a luy accrue, mes seulement de le temps del darraine claime per luy fait, come est avandir. Veies pluis de ceo en Littleton, lib. 3. cap. 7. & v. ore lestatute 32. H. 8. cap. 33.

Counterplee.

Counterplee est lou un port un actiō, & le tenaunt en soit respons & plee vouch ou appel pur alcun home pur garrant son title, ou prayer ayd de auter, que ad melior estate, come de cestuy en la reversion, ou si un estrange al actiō, vient & priera destre resceu de saver son estate, si le demandant reply a ceo, & monstre cause que il ne doit tiel home vouchet, ou que ne doit de tiel home ayde aver, ou que tiel home ne doit este resceu, cest plee est appel un counterplee

The Exposition of

al voucher, ayde, ou rescet, come le case est, mes si le voucher soit allow, & quant le vouchee vient eins & demande quel chose le tenaunt ad de luy voucher, & le tenaunt monstre son cause, & le vouchee plede ascun matter de avoide le Garrantie, ceo est appel counterplee del Garrantie.

Countermand.

Countermand, est quaut chose execute par devant est apres per ascun act ou ceremonie frustrate & anient per le partie que ad ceo primes fait. Come si home ad fait son darraine volunt, per que il devise son terre al J. S. & puis il enseoffe auter home de mesme le terre, ore ceo seoffement est un Countermand al volunt, & le volunt quant al disposition del terre est voide. Si feme seise de terre en fee, fist sa volunt en escript, & per ceo devisa que si A. de B. luy survivera, que donque el devise & bequeath a luy & a ses heires sa terre, & apres el entermarrie oue le dit A. de B. ore per prisel de luy a baron & covertur al temps de sa mort le volunt est countermand.

Mes si un Baronesse widow retaine deux Chapleines, solongue le Statute, & puis prist un de nobility a baron, & puis le baron morust, le retenir de ceux deux Chapleines remaine, & els sans novel retenir poyent prender deux Benefices, car lour retenir ne fuit deter-

received, this Plee is called a Counterplee to the voucher, ayde, or rescet, as the case is, but if the voucher be allowed, and when the vouchee cometh in & demandeth what cause the Tenant hath, and the tenant sheweth his case, & the vouchee plead any thing to avoide the Warrantie, that is called a Counterplee to the Warranty.

Countermand.

Countermand is where a thing formerly executed is afterwards by some act or ceremony frustrated and made voyde, by the party that hath done it first. As if a man had made his last will, whereby he deviseth his land to J. S. and afterwards he infeoffeth another man of the same land, there this seoffement is a Countermand to the will, and the will as to the disposition of the land is voyd. If a woman seised of land in fee maketh a will in writing, and deviseth that if A. of B. surviveth her, that then she deviseth and bequeatheth to him and his heires her land, and afterwards she entermarieth with the said A. of B. there by taking of him to husband and coverture at the time of her death, the will is countermanded.

But if a Baronesse widow retaineth two Chaplaines according to the Statute, & afterwards taketh one of the nobilitie to husband, and afterwards the husband dyeth, the retainer of those two Chaplaines remaineth, and they without new retainer may take two Benefices, for their retainer

retelner was not determined nor countermanded by such marriage.

If a woman maketh a lease at will, and afterward taketh a husband, this marriage is no countermand to the lease without expresse matter done by the husband after the marriage to determine the will. Also if a lease be made at will to a woman, and she taketh a husband, the lease continueth notwithstanding the marriage, and it is no countermand thereunto.

Contract.

Contract is a bargain or covenant betwene two parties, where one thing is given for another, which is called (*Quid pro quo*) as if I sell my horse for money, or if I covenant to make you a lease of my Mannour of Dale, in consideration of xx. li. that you shall give me, these are good contracts, because there is one thing for another: But if a man make promise to mee, that I shall have xx. s. & that he will be debtor to me thereof, and after I aske the twenty s. and he will not deliver it, yet I shall never have any action to recover this twenty shillings, for that that this promise was no contract, but a bare promise. And *ex nudo pacto non oritur actio*, but if any thing were given for the twenty shillings, though it were not but to the value of a penny, then it had bene a good contract.

Contra formam collationis.

Contra formam collationis is a writ, and it lyeth where a

mine ne countermaund per tiel marriage.

Si feme fist lease a volunt, & puis prist baron, ceo marriage nest countermaund al lease sans expresse matter fait per le baron apres le mariage a determiner le volunt. Auxy si lease soit fait al feme a volunt, & el prist baron, le lease continue nient obstant le marriage, & il nest countermand al ceo.

Contract.

Contract est un bargain ou covenant perenter deux parties, lou un chose est done pur auter, q̄ est appel (*Quid pro quo*) cōe si jeo vende mon chival pur argent, ou si jeo covaunt de faire lease a vous de mon manour de Dale, en consideratiō de xx. li. que vous dones a moy, ceux sont bone contracts, pur ceo q̄ il ad un chose pur auter. Mes si un hōe fait p̄mise a moy, que jeo avera xx. s. & que il voile este dettour a moy de ceo, & puis jeo demaunde xx. s. & il ne voile a moy deliū, uncore jeo navera jammes action pur recover cest xx. s. pur ceo que cest promise ne fuit contract, mes nudus pactus. Et *ex nudo pacto non oritur actio*, mes si aucun chose fuit done pur le xx. s. mesque il ne fuit forsque al value un denier, donques il fuit bone contract.

Contra formam collationis.

Contra formam collationis est un briefe, & gist lou hōe done
M 2 terres

The Exposition of

terres en perpetual almoigne a ascun meafon de Religion, come a un Abbe & la Covent, ou auter foveraigne, ou al Gardien ou Mafter de ascun Hofpital, & fon Covent de trover certaine pover homes, & de faire auter divine service, fils aliont les terres, donques le donour ou fes heires averont le dit Brieſe pur recover le terre, mes ceſt Brieſe ſerra tous foits port vers le Abbot ou fon ſucceſſour, & nemy vers le alienee, coment que il ſoit tenant: mes en tous auters actions lou home demaund franktenement, le Brieſe ſerra port vers le tenant del terre. Vide le Statute *Westm. 2. Cap. 41.*

Contra formam feoffamenti.

CONTRA formã feoffamenti est un Brieſe, & giſt lou un home devant le Statute de *Quia emptores terrarum*, quel ſuit fait *Ann. 18. Ed.* le primer, infeoffe auter per fait de faire certaine service, ſi le feoffor ou ſes heires diſtraine luy de faire auter service que eſt compriſe en le fait, donques le tenant avera ceſt Brieſe, luy commaundant que il ne diſtraine luy de faire auter service, que neſt compriſe deins le fait, mes ceſt Brieſe ne giſt pur le plaintiſe que claime per purchaſe del primer feoffee, mes pur tiel plaintiſe que claime come heire al primer feoffee.

Contributione facienda.

CONTRIBUTIONE facienda, eſt un Brieſe, & giſt lou ſont divers

man hath giben Lands in perpetuall almes to any of the late houſes of Religion, as to an Abbot, and to the Covent, or other foveraigne, or to the Warden or Maſter of any Hofpitall, and his Covent to finde certaine poore men, and to doe other divins service, if they alien the Lands, then the donour or his heires ſhall have the ſaid Writ for to recover the land, but this writ ſhall bee alway brought againſt the Abbot or his ſucceſſor, and not againſt the Alienee, although that hee be tenant, but in all other actions where a man demandeth free-hold, the writ ſhall bee brought againſt the tenant of the land. See the Statute *Westm. 2. cap. 41.*

Contra formam feoffamenti.

CONTRA formam feoffamenti is a writ, and it lyeth where a man befoze the Statute of *Quia emptores terrarum*, which was made *Ann. 18. Ed.* the firſt infeoffed another by deed to do certaine service, if the feoffour or his heires diſtraine him, to doe other service than is compriſed in the deed, then the tenant ſhall have this writ, commanding him that hee diſtraine not him to doe other service, that is not compriſed within the deed, but this writ lyeth not for the plaintiſe which claimeth by purchaſe from the firſt feoffee, but for ſuch plaintiſe as claimeth as heire to the firſt feoffee.

Contributione facienda.

CONTRIBUTIONE facienda is a writ, and it lyeth where there are

are diuers Parceners, and he which hath the part of the eldest doth make all the suit to the Lord, the others ought to make contribution to him, and if they will not, he shall have against them the said writ. In some Cases the heire shall have Contribution, and in others not, but shall be alone charged: for if a man be seised of three acres of land, and acknowledgeth a Recognisance or Statute, &c. and infeoffeth A. of one acre, & B. of another acre, and the third descend to his heire, if execution be sued against the heire onely, he shall not have contribution against any Purchasor, yet he is charged as terre-tenant, and not as heire, for the land, and not himselfe is charged. Yet if a man be seised of 2. acres, the one of the nature of borough English, & bindeth himselfe as before, and dyeth having issue two daughters, which make partition, in this case, if the one be charged, he shall have contribution, for as one purchasor shall have contribution against others, and against the heire of the Conusee also, so one heire shall have contribution against another heire, for they are in equall degree. And if a man be so bound, and after his death some of his Land descendeth to the heire of the part of the father, and some to the heire of the part of the mother, the one alone shall not be charged, but if he be he shall have contribution. In dower if the tenant voucheth the heire in ward to three severall Lords, each of them shall be equally charged. If two,

Parceners, & celuy que ad le part del eigne, fait tout le suit al Seignieur, les autres doyent faire Contribution a luy, & s'ils ne voient, il avera vers eux le dit Briefe. Et ascuns cas les le heire avera Contribution, & en autres nemy, mes serra solement charge: car si home soit seise de troys acres de Terre, & conust un recognisance ou statute, &c. & infeffe A. d'un acre, & B. d'un autre acre, & le tierce descend a son heire, si execution soit sue solement vers le heire, il n'avera Contribution vers aucun Purchasor, uncore il est charge cōc Terre-tenant, & nemy come heire, car le Terre, & nemy luy mesme, est lie. Uncore si home soit seise de deux acres, l'un de nature de Burrough-English, & lye luy m come devant, & morust ayant Issue deux filles, queux font partition, en cest case si l'un soit charge, el avera contribution, car sicome un Purchasour avera contribution vers autres, & vers le Heire le Conusee auxy, issint un heire avera contribution vers autre Heyre, car ils sont *in equali gradu*. Auxy si home soit issint lie, & puis son mort ascun de son terre descend al heire del part le pier, & ascun al heire del part le miere, l'un solement ne serra charge, mes sil soit il avera contribution. En Dower si le Tenant vouch le heire en Garde a troys severall Seignieurs, chescun serra owelment charge. Si deux, quater, ou plusors homes

The Exposition of

soient severalment seise de Terre, & ils tous joyne en un Recognisaunce, en cest case le Conusee ne poit extend le Terre del ascun des Conusors solemēt, mes tous doient owelmēt estre charge: Car comēt que le terre del Conusor mesme poit estre solement extend quant divers homes ont purchase ascun del Terre subject al recognisaunce, pur ceo que le purchasour est en auter degree que le Conusor mesme: Uncore un de les Conusors ne serra solement charge, car il estoit en owel degree oue les auters Conusors. Si judgement soit done vers deux Disseisours en Assise pur l'Terre & damages, & lū disseisor morust, l'execuc' en serra agard vers le surviving disseisor q̄ fuit party al tort, mes cybien le heire come le disseisor serra owelment charge. Mes auterment est en personall lien, come si deux sont lie en un obligac', la le charge survivera.

Et en ceux cases ou est dit, Que lun purchasour avera contribution, nest p̄ ceo entend, que les auters doneront ou allowront a luy ascun chose per voy de Contribution, mes doit estre entende, que le partie q̄ est solement extend pur tout, poet per *Audita querela*, ou *Scire facias*, come le case require, defeat l'execution, & per ceo serra restore a tous le mesme profits, & charger le Conusee de suer execution de tout le fr̄e, issint en cest manner chescun serra contributive, cestascavoire, le terre de

four, or moze men bee severally seised of land, & they all joyne in a Recognisaunce, in this case the Conusor cannot extend the Land of any of the Conusors alone, but all ought equally to bee charged: for although that the Land of the Conusor himselfe may bee onely extended when divers men have purchased any of the land subject to the Recognisaunce, because that the Purchasor is in another degree than the Conusor himselfe: yet one of the Conusors shall not be solely charged, for he stands in equall degree with the other Conusors. If judgement be given against two disseisors in Assise for the land and damages, and one disseisor dyeth, the execution shall not be awarded against the surviving Disseisor that was party to the wrong, but as well the heire as the Disseisor shall bee equally charged. But otherwise it is in personall binding, as if two are bound in an Obligation, there the charge shall survive.

And in these cases where it is said, that the one purchasor shall have contribution, it is not thereby intended that the others shall give or allow unto him any thing by way of contribution, but it ought to be intended that the partie that is solely intended for all, may by an *Audita querela* or *Scire facias*, as the case require, defeat the execution, and thereby shall be restored to all the means profits, and force the Conusee to sue execution of all the land, so in this manner every one shall be contributive, viz, the land of every terre

terre-tenant shall bee equally extended.

Copyhold.

Copyhold is a tenure for which the Tenaunt hath nothing to shew but the copies of the Rolles made by the Steward of his Lords Court: for the Steward as he enrolleth & maketh remembrances of all other things done in his Lords Court, so hee doth also of such Tenants as bee admitted in the Court, to any parcell of land or tenements belonging to the Mannor, & the transcript of this is called the Court roll, the copy whereof the Tenant taketh from him, & keepeth as his onely evidence, *Co. l. 4. f. 25.* This tenure is called a base tenure, because it holdeth at the will of the Lord, *Kytch. fo. 80. F. N. B. fo. 12. b. c.* who there saith, That it was wont to be called Tenure in Villenage, and that this Copyhold is but a new name: Yet it is not simply at the will of the Lord, but according to the custome of the Mannor, so that if a Copyholder breake not the Custome of the Manor, and thereby forfeit his tenure, hee seemeth not so much to stand at his Lords curtesie for his right, as to bee displaced when he pleaseth. The customes of Mannors are infinite, varying in one point or other almost in every severall Manor.

First, some Copyhold is lineable, & some certaine: that which is lineable, the Lord rateth at what fine he pleaseth, when the Tenant is admitted into it: that which is certaine is a kind of inheritance, &

chescon terre-tenant serra owelment extend.

Copyhold.

Copyhold est un Tenuir pur lequel le Tenant ad riens a monstrier forsque les Copies des Rolles fait p le Seneschal del Court sō Seignior: car le Senescal sicome il enrolle & fait Memorandums de tous auters choses en faits ē le Court le Seignior, issint il auxy fait de tiels tenants que sōt admitte en le Court a ascun parcell de terre ou tenements appartenant al Mannour, & le trāscript de ceo est appel l'court rolle, le copie de q le Teñt prist de luy, & deriēt cōe son sole evidence, *Co. l. 4. f. 25.* Cest tenure est appel Base tenure, pur ceo q tient al volunt le Seignior: *Kytch. fo. 80. F. N. B. fol. 12. b. c.* que la dit, que suit accustome destre appel Tenure al Villenage, & que cest Copyhold nest foriq; un novel nōme: Uncore nest meereiment al volunt le Seignior, mes accordant al custome del Mannour, issint q si un Copyholder ne pas enfreint le custome del Manor, & per c' forfeit son tenure, ne semble tant destroier al volunt son Seignior pur son droit, come destre lieu quant a luy pleist. Les customes de Manors sont infinite, variant en un poynt ou auter fer' en chesc' severall Manor.

Primermt ascun Copyhold est fineable, & ascun certaine: ceo q est fineable le Seignior assesse a quel fine q il voyle quant le tenaūt est a ceo admit; ceo q est certain est un sort d'enheritance, &

M 4

appel

The Exposition of

appel é plusors lieux, customary, pur ceo q̄ le Tenēt morāt, & le tenure esteant void, le pcheine du sangue payāt l' customarie Fine ne poit estre denie destre admit.

Secondermēt, ascun Copiholders ont per custome le boys crescant sur lour terre demesne, que p le ley ils ne poient aver.

Tiercemēt, la sōt Copiholders que tient per l' Verge en anciēt demesne, & nient obstant ils tient p Copy, uncore ils sont en nature de Franktenāts; car si tiel hōe fait felony, l' Roy ad an, jour, & vast, cōe en casē d' franktenemēt. Ascun auters tient per common tenure appelle mere Copyhold, & fils commit Felony, lour terre jammes escheatē al Sūr del Manor.

Monsieur *West*, part. 1. li. 2. sect. 646. issint define un Copiholder, Tenant per Copy de Court Roll est celuy que est admit tenant d'ascun fies ou tenements deins un Man q̄ temps ouster le memory du home, per usē & custome del dit Manor ont estre d'misable, & demise a tiels q̄ pnderont mesme en fee, fee taile, pur vie, ans, ou a volunt, accordant al custome del dit Manor, per Copy de Court Roll, de mesme le Manor.

Conusance.

Conusance de plea est un privilege que un Citie ou Ville ad del grant le Roy, de tener pleē de tous Contrācts, & des terres deins le precinct del Franchise, & q̄nt ascū hōe est impleade pur ascun tiel chose en le Court le

called in many places, Customary, because that the tenēt dying, & the Hold being voyde, the next of blood paying the customary fine, cannot be denied to be admitted.

Secondly, some Copyholders have by custom the woods growing upon their owne land, which by the Law they cannot have.

3, There are Copyholders that hold by the virge in ancient demesne, and although they hold by Copy, yet they are in nature of Freeholders, for if such a one commit felony, the K. hath the yeare, day, and wast, as in case of freehold. Some others hold by common tenure called mere Copyhold, and if they commit felony, their land presently escheateth to the Lord of the Manor.

Master West, pt. 1. lib. 2. sect. 646. defines a Copyholder thus, Tenant by Cops of Court roll is he which is admitted tenēt of any lands or tenements within a Manor, that time without the memory of man, by use and customs of the said Manor, have bene demisable and demised, to such as will take the same in fee, fee-taile, for life, yeares, or at will, according to the custome of the said Manor, by Copy of Court Roll of the same Manor.

Conusance.

Conusance of pleē is a privilege that a Citie or Towne hath of the K. grant, to hold pleē of all contracts, and of lands within the Precinct of the franchise, & that when any man is impleaded for any such thing in the Court of the King

King at Westminster, the Mayors
or Baylives of such Franchises, or
their Attornies may aske conu-
sance of the plee, that is to say,
that the plee & the matter shall be
pleaded & determined before them.

But if the Court at Westminster
be lawfully seised of the plee, be-
fore conuance be demanded, then
they shall not have conuance for
that suit, because they have negli-
gently surceased their time of de-
mand thereof, but this shall be no
barre to them to have Conuance
in another action, for they may
demand conuance in one Action,
and omit it in another Action at
their pleasure.

And note, that conuance lyeth
not in prescription, but it behov-
eth to shew the Kings Letters
Patents for it.

Coraage.

Coraage is an imposition extra-
ordinary, and growing upon
some unusuall occasion, and it see-
meth to be of certain measures of
Corne: Bract. lib. 2. cap. 16. nu. 6.
useth these words, *Corus tritici* to
be a measure of Corne, and in the
Chapter, Number 8. hath these
words, There are certain common
Prestations, which are not called
Services, neither doe they arise
from Custome, unlesse some neces-
sary occasion happen, or that the
King commeth, such as are Hidage,
Coraage, and Caruage, and many
others which are performed in ca-
ses of necessitie, by the commo con-
sent of the whole Kingdome, and
which appertaine not to the Lord
of the fee, neither is he bound to

Roy al Westminster, les Maiors
ou Baylives de tiels Franchises,
ou leur Attornies poyent demã-
der conuance del plee, cestasca-
voire, que le plee & le mat serra
plead & determin devant eux.

Mes si le Court al Westmin-
ster soit loyalmt seisie del Plee,
devant que Conuance soit de-
maund, donques ils ne averont
conuance pur cest suit, p ceo q
ils ount negligentment surcease
leur temps de demaunder ceo,
mes cest ne serra barre al eux
daver Conuance en auter actiõ,
car ils poyet demãd Conuance
en un Action, & omit ceo en un
auter Action a leur pleasure.

Et nota, que Conuance ne
gist en prescription, mes ils co-
vient monstre Letters Patents
le Roy pur ceo.

Coraage.

Coraage est un impositiõ niẽr
ordinarie & foundue sur ascũ
nient usual chose, & semble de-
stre de cestaine mesures de
Graine: Bracton lib. 2. cap. 16.
num. 6. use ceux parols, *Corus
tritici* destre un measure de
Graine: & en mesme le Capi-
ter, Numero 8. ad ceux parols,
*Sunt enim quedam communes
prestaciones, que servitia non
dicuntur, nec de consuetudine
veniunt, nisi cum necessitas inter-
venerit, vel cum Rex venerit,
sicut sunt Hidagia, Coraagia, &
Caruagia, & alia plura de ne-
cessitate, & ex consensu communẽ
totius regni introducta, & que
ad dominum feudi non perti-
nent, & de quibus nullus tenetur
renentem*

The Exposition of

tenentem suum acquietare, nisi se ad hoc specialiter obligaverit in charta sua.

acquite his Tenant thereof, unless he hath specially tyed himselfe thereunto by his own Deed.

Cordwayner.

COrdiner vel Cordwayner venust del Francois Corduannier, id est, Sutor calcearius a corii genere quod Cordovan apud Gallos nominatur. Et est un paroll mult use en nre statute ley, come en 3.H.8.cap.10. & 5.H.8. cap.7. & 1.Jac. cap.22.

Cordwayner.

COrdiner or Cordwayner comes from the French Corduannier, that is, a shoemaker, from a kind of leather which the French men call Cordovan. And it is a word much used in our Statute Law, as in the Stat. of 3.H.8. cap.10. 5.H.8.cap.7. & 1.Jac. cap.22.

Cornage.

COrnage, est un sorte d graūd Sergeantie, le service de quel Tenure est de ventier un cornu quaunt ascun invasion des enemies del pais artique est descric: Et p ceo plusors hōes tiendront lour fre é les pts septentrionale éviró le pariet cōmunemēt appel l'piet des Picts, *Cam. Brit. p.609.*

Veies Littleton, fol.35. Ou dit, Que en les Marches de Escoce ascuns teignout del Roy per Cornag', cestascavoir, p ventier un Cornu, pur garner homes de pais, quant ils oyent, que enemies veignont ou voilont enter en Engleterre, quel service est Graund Serjeantie.

Cornage.

COrnage is a kinde of grand Serjeantie, the service of which tenure is, to blow an Horne when any invasion of the Northerne enemy is perceived. And by this many Northward hold their land, about the wall commonly called the Picts wall, *Camb. Brit. p.609.*

See Littleton, fol.35. Where he saith, That in the Marches of Scotland some hold of the King by Cornage, that is to say, for blowing a Horne to warne the Countre y when they heare that the enemies will come, or will enter into England, which service is Graund Serjeantie.

Corodie.

COrodie est un allowance de meat, pane, boyer, argent, vestments, lodging, & tiels choses necessarie pur sustenance: ceo ascun foits est certaine ou le certaintie des choses est limit, ascun foits uncertain, lou nest limit le certaintie que al aver,

Corodie.

COrodie is an allowāce of meat, bread, drink, money, cloathing, lodging, and such like things necessarie for sustenance: It is sometimes certaine, where the certaintie of things is set downe, sometimes uncertaine, where the certaintie of things is not set downe which he shall have.

And

And some of them began by grant made by one man to another, and it may be for life, years, in taile, or in fee, and some Corodies are of common right, as every founder of Abbeyes, Priories, Nunneries, & other houses of Religion had authoritie to assigne such in the same house, when they were standing, for father, Brother, Cousin, or other man that he would appoint, should take it, if it were a house of Monks: and if he were founder of a house of Nunnes, or Women, then for his Mother, Sister, Cousin, or other woman that he would direct thither: and alwayes this was provided for, That he that had a Corodie in a house of Monks, might not send a woman to take it: Nor where Corodie was due in a Nunnerie, there it was not lawfull to appoint a man to receive the same, for in both cases such presentation was to be rejected. And this Corodie was due as well to a common person that was founder, as where the King himselfe was founder: But where the house was holden in Frankalmotgn, there the Tenure it selfe was a discharge of Corodie against all men, except it were afterward charged voluntarily, as when the King would send his Writ to the Abbot for a Corodie, for such a one, whom they admit, there the house should be thereby charged for ever, whether the King were founder or not. See the Writ of Corodio habendo in Fitz. Nat. Br. fol. 230.

Et aucun de eux comencee per Graunt fait per ascū hōe al auter, & poet estre pur vie, ans, en taile, ou fee, & ascun Corodies sont de common droit, sicome chesc Founder de Abbeyes, Priories, Nunneries, & aus meafōs de Religiō Papistick, avoyēt authoritie d assigner tiel en m les meafōs quant ils fuerōt, pur son Pere, Frere, Cousin, ou au hōe que il voit, que prendroit ceo, fil fuit un meafon de Moignes: Et si il soit Founder del meafon de Nunnes, ou muliers, dōques ceo pur sa Mere, Soer, Cousin, ou auter mulier que il voile direct al ceo, & tous jours cest proviso fuit ewe, q il q ad Corodie en un meafon de Moignes ne duist mitter un feme de pnder ceo: Ne ou Corodie fuit due en un Nunnerie, la il ne fuit loyal de appointer un home de recevoir ceo, car en ambideux cafes tiel presentation fuit destre reject. Et cest Corodie fuit due cybiē a un cōmon pson q fuit Founder, sicome ou le Roy mesme fuit Founder: Mes ou le meafon fuit tenu en Frankealmoigne, la le Tenure mesme fuit un discharge de Corodie enconter tous homes, sinon que il fuit apres charge voluntariū, come ou le Roy voit mitter son Briefe al Abbe pur un Corody, pur un tiel, le que ils admit, la le meafon doit estre charge per ceo a tous jours, si le Roy soit founder ou nemy. Veies Briefe de Corodio habendo en Fitz. Natura Brevium, fol. 230.

The Exposition of

Coroner.

COroner est un anciēt Officer de trust, & de graund authoritie, ordeine destre un principall Conseruator, ou Gardian de le Peace, a porter record des Plees del Corone, & del son view demesne, & de divers auſs choses mult en number, &c. Et pur ceo en temps le Roy *Edward* le primer, cest estatute sequens fuit fait: Pur ceo que petit gentes meins sages soyent eslieus ore de novel communement al Office del Coroner, ou mestier serroit que probes homes, loyalx, & sages se entermellant de cel Office; purview est, que p tous les Counties soyēt eslieus suffieient hōes Coroners, de plus loyalx & plus sages Chivalers, que mieulx sachant, puisſent, & voient a cel Office entendre, & que loyalment attachent & representent les Plees del Corone.

Et nient obstant le Letter de cest estatute ne soit precisement observe, uncore al meins le entent doit estre pursue, cy pres come poit, issint que pur le default des Chivalers, Gentlehōes, furnished oue tiels qualites sicōe le Stat. parle (de q̄ ils y ad divers) poyēt estre eslieu, oue cest addition, q̄ ils soyent vertuous & bōe conus Christians. Veies de ceo ē le Brieſe de *Coronatore eligendo*, in *Fitz. Nat. Bre. fol. 163.*

Quant le Coroner est d̄ equirer del mort d̄ascun person, ou faire auter chose concernant son office, il doiet ceo faire en pson: Et sur le subit mort d̄ascun, il mesme doit veyer le mort corps,

Coroner.

COroner is an ancient Officer of trust, and of great authority, ordained to be a principall Conseruator, or keeper of the Peace, to beare record of the Plees of the Crowne, and of his owne sight, and of divers other things, many in number, &c. And therefore in the time of King *Edward* the first, the Statute following was made: *Forasmuch* as meane men & undiscreef, now of late are commonly chosen to the Office of the Coroner, where it is requisite, that wise men, lawfull, and able, should occupy such Offices; it is prohibited, That though all Shires, sufficient men should be chosen to be Coroners, out of the most wise and discreetest Knights, which best knew, could, & would attend this Office, and which faithfully made and represented the Plees of the Crowne.

And although the Letter of this Statute be not precisely observed, yet at the least the intent should be followed, as nigh as might be, that for the default of Knights, Gentlemen, furnished with such qualities as the Statute setteth downe (of which sort there be many) might be chosen with this addition, that they be vertuous & good knowne Christians. See hereof in the writ de *Coronatore eligendo*, in *Fitz. Natura Brevium*, fol. 163.

When the Coroner is to enquire of the death of any person, or to do other thing concerning his Office, he ought to doe it in person: and upon the suddaine death of any one, he himselfe ought to see the

Dead

dead body when he maketh inquirie, or otherwise the enquirie is not good: for if he will enquire of any dead person without view, this is without authoritie, and so void. And if the body be buried before his coming, he ought to record it in his Rolles, to the intent that the Towne where the burying was, should be amerced for it before the Justices in Eyre, upon the sight of the Coroners Rolles. And neverthelesse the Coroner ought to undigge the body out of the ground, and take the enquirie upon the view of the body, as he should doe if it had not been buried: and the Towne shall also be amerced, if they doe not burie it, but suffer it to lie on the ground to putrefie or stinke, without sending to the Coroner. And if the Coroner be remisse & negligent in coming to doe his office, after that the Baylives or Countreyemen have sent for him, he shall be punished. Although by the Law the Coroner cannot enquire of any felony, but the death of a man, yet it hath bene sayd, that in Northumberland they enquire of all felonies: but this authority they maintaine by prescription. If a man be killed or drowned in the armes or creekes of the Sea, where a man may see Land from the one part to the other, the Coroner shall enquire thereof, and not the Admirall, for that the Countrey thereof may well have knowledge.

But the Coroner of the Kings house hath an exempt jurisdiction within the verge, & the Coroner

quant il fait enquirie, ou autrement l'enquirie n'est bone: car sil voyet enquirier d'aucun mort person sans luy veyer, cest sans autoritie, & il n'est voyde. Et si le corps soit enterre devant son venu, il doit ceo recorder en ses Rolles, al entent que le Ville ou l'enterrement fuist fait, serra amercie pur ceo devant les Justices en Eyre, sur le viewe des Rolles del Coroner. Et nient meins le Coroner doit defover le corps hors del terre, & prendre l'enquirie sur viewe del corps, come il seroit sil n'avoit este enterre: & la Ville sera auxy amerce, sils ne luy enterrent, eins suffront luy giser sur la terre a putrefaction ou grand ordeur, sans mander al Coroner. Et si le Coroner soit remisse & negligent en venir a faire son Office, apres que les Baylives ou homes de pais ont mande pur luy, il serra punie. Coment per le Ley que Coroner ne puit enquirier d'aucun felonie, forsque de mort de home, tamen ad este dit, que en Northumberland ils enqueront de tous Felonies: Mes sel autoritie ils maintiennent per prescription. Si home soit occise ou merge en les braches ou saules del Mere, lou home poit veier terre d'un part & d'auter, le Coroner inquirera de ceo, & nemy l'admiral, pur c'que le pais poit bien de ceo aver conisance.

Mes le Coroner del Hostel le roy ad un exépt jurisdiction deins le Vierge, & le Coroner del Cou-

tie

The Exposition of

tie ne poit enfmeddle deins ceo, sicome le Coroner del hostel ne poit entermeddle deins le Cou- tie hors del Vierge.

Si le demandant ou plaintife soit nonsute, ou si judgement soit done vers le Tenant ou defendaunt ou semblables, les Justices ne unques assesseront ascū amerciament, mes le Clerkes des garrants fait estreats de eux, & deliver eux aux Clerkes d'assise deins chescun circuit a deliver eux al Coroners en chescun cou- tie d'assiser ou asseller l'amerci- aments, pur ceo que ils sont pense pluīs indifferent, entant que ils sont elect per tout le Countie.

Si un approver dit que il commence son appeal' devant le Coroner per dures, ceo serra trie per le Coroner, & si le Coroner ceo denie, l'approver serra pendus. Per queux cafes il appiert, Que le Ley done grand credance & authoritie al Coroners.

Corporation.

Corporation est un chose per- manent que poit avera suc- cession: Et est un assembly & joyning ensemble de divers en un fellowship, fraternitie, & ment, de que un est le teste & principal, les auters sōt le corps, & ceste teste & corps joynt ense- ble sont le Corporation. Et de Corporations, ascuns sont appel- les spirituals, & ascuns tēporals, & de ceux que sont spirituals ascuns fueront Corporations de mort persons en Ley, & ascuns

of the Countie cānot entermeddle within it, as the Coroner of the house cannot intermeddle within the Countie out of the Wierge.

If the demandant or plaintife be nonsuited, or if judgement be giben against the tenant or de- fendant or such like, the Justices neber asselle any amerciament, but the Clerke of the Warrants maketh estreats thereof, and de- livers them to the Clerkes of As- sise within every circuit, to deli- ver them to the Coroners in eve- ry County, to assere or asselle the amerciaments, because they are thought most indifferent, foras- much as they are chosen by the whole Countie.

If any approver saith that hee began his appeale befoze the Co- roner by duresse, this shall be tried by the Coroner, and if the Coro- ner denyeth it, the approver shall be hanged. By which cases it ap- peareth, That the Law giveth much credit and authoritie to Co- roners.

Corporation.

Corporation is a permanent thing that may have succession: And it is an assembly & joyning together of many into one fellow- ship, brotherhood, and minde, whereof one is head and chiefe, the rest are the body, and this head and body knit together, make the Corporation. And of Corporations, some are called Spirituall, and some Tempozall; and of those that are Spirituall, some are Corporations of dead persons in Law, and some other- wise,

wise, and some are by the authority of the King onely, and some have bene of a mixt authority.

And of those that are temporall, some are by the authority of the King also, and some by the common Law of the Realme.

Corporation Spirituall, and of dead persons in the Law, is where the Corporation consisteth of an Abbot and Convent, & these had beginning of the King, and the man of Rome when he had to doe here.

Corporation Spirituall, and of able persons in Law, is where the Corporation consisteth of a Deane and Chapter, Master of a Colledge or Hospitall, and this Corporation had beginning of the King onely.

Corporation Temporall by the King, is where there is a Mayor and Commynaltie.

Corporation Temporall by authority of the Common Law, is the assembly in Parliament, which consisteth of the King the head of the Corporation, & of the Lords Spirituall and Temporall, and the Commons of the Realme, the body of the Corporation.

Bodies Politique.

Bodies Politique are Bishops, Abbots, Priors, Deanes, Parsons of Churches, and such like, which have succession in one person onely.

If Land be given to a Mayor and Commynaltie for their lives, they have an estate by indentment not determinable. So it is if a feoffment be made of Land to a

auterment, & ascuns sont p authority del Roy solement, ascuns ont estre d'un mixt authority.

Et de ceux queux sont temporal, ascuns sont p authority del Roy auxy, & ascuns per le Common Ley del Roialme.

Corporation Spirituall, & de mort persons en le Ley, est lou le Corporation consist d'un Abbe & Convent, & ceux ont leur commencement del Roy, & le home d Rome quant il y ad a faire cy.

Corporation Spirituall, & de able persons en Ley, est lou le Corporation consist d'un Deane & Chapt, Master del Colledge ou Hospitall, & cest Corporation ad commencement de Roy solement.

Corporation Temporall per le Roy, est un Maior & Commynalty.

Corporation Temporall p authority del Common Ley, est le assembly en Parliament, le quel consist del Roy, le teste del Corporation, & des Seignours Spirituall & Temporall, & les Commons del Royalm, le corps del Corporation.

Corps Politique.

Corps Politique sont Evêques, Abbés, Priors, Deanes, Parsons d'un Eglise, & tiels semblables, queux ont succession en un person solement.

Si terre soit done al Maior & Commynaltie pur leur vies, ils ont estate per entendment nient determinable. Issint est si feoffement soit fait de Terre al Deane &

The Exposition of

& Chapter, sans parlançe de successeurs. Release d'un Maior pur ascun somme d'argent due al Corporation en s^{on} nosme demesne, nest bone en Ley. En case d'un sole Corporation, ou corps politique, come Evesque, Parson, Vicar, Master de Hospital, &c. nul Chattel ou en action ou en possession alera en succession, mes les executors ou administrators del Evesque, Parson, &c. eux a^uia nient plus que le h^{er}e d'un privat home poit eux aver, car succession en corps politique, est enheritance en case d'un Corps private. Mes autrement est en case d'un Corporation aggregate de plusieurs, come Deane & Chapter, Maior & Comminaltie & semblables, car la ils en Judgement del Ley ne unques deviont. Uncore le case del Chamberlaine de Londres differt de tous ceux, & son successor poit en son nosme demesne aver execution d'un Recognisance conuist a son predecessor pur Orphanage mony, & le reason est, pur ceo q^{ue} en cest case le Corporati^on del Ch^{am}berlaine est p^{ar} custome, & mesme le custome q^{ue} ad luy create & fait un corporation en succession, quant al dit special purpose concernant Orphanage, mesme le Custome ad enable le successor a prendre tiels Recognisances, Obligations, &c. que sont faits a s^{on} predecessor. Et tiel Custome est foundue sur grand reason, car les executors ou administrators del Chamberlaine ne doivent entermeddle ouc tiels

Deane and Chapter, without speaking of successors. Release of a Maior for any summe of money due to the Corporation in his owne name, is not good in Law. In case of a sole Corporation, or Body Politique, as Bishop, Parson, Vicar, Master of Hospital, &c. no Chattell either in action or possession shall goe in succession, but the executors or administrators of the Bishop, Parson, &c. shall have then no more then the heir of a privat man can have them, for succession in a Body politique is as inheritance in case of a Body private. But otherwile it is in case of a Corporation composed of many, as a Deane & Chapter, Maior & Comminaltie, and such like, for there they in judgement of the Law never dye. Yet the case of the Chamberlaine of London differeth from all these, and his successor may in his owne name have execution of a Recognisance acknowledged to his predecessor for Orphanage money, and the reason is, because that in this case, the corporation of the Ch^{am}berlain is by Custome, and the same Custome that hath created him and made a Corporation in succession, as to the said speciall purpose concerning Orphanage, the same Custome hath enabled the successor to take such Recognisances, Obligations, &c. that are made to his predecessor. And this Custome is founded upon great reason, for the executors or administrators of the Chamberlaine ought not to intermeddle with
such

such Recognisances, Obligations, &c. which by the said Custom are taken in the corporate capacite of the Chamberlaine, & not in his private. But a Bishop, Parson, &c. or any sole corporation that are bodies politick by prescription, cannot take a Recognisance or Obligation but only to their private, & not in their politick capacite, for they want Custom to take a Chattell in their politicke or corporate capacite.

Corruption of blood.

Corruption of blood is when any is attainted of Felony or Treason, then his blood is said to be corrupt, by meanes whereof his children, nor any of his Blood, cannot be heires to him, or to any other Ancestour for which they ought to claime by him. And if he were a Noble or Gentleman before, he and all his children are made thereby unnotable and ungentle, having regard to the Nobility or Gentry they claime by their Father, which cannot be made whole againe by the Kings Grant, without authority of Parliament.

But if the King will pardon the offender, it will cleanse the corruption of the blood of those children, which be borne after the Pardon, and they may inherite the Land of their Ancestour, purchased at the time of the Pardon, or afterwards, but so cannot they which were borne before the Pardon. Also he that is attainted of Treason or Felony, shall not be

Recognisances, Obligations, &c. queux per le dit Custom sont prise en le corporate capacite del Chamberlaine, & nemy en son private. Mes Evesque, Parson, &c. ou aucun sole Corporation q sont Corps politique p prescription, ne peuvent pndre Recognisance ou Obligation, mes seulement a leur private, & nemy en leur politique capacity, car la fault custom a pndre chattel en leur politique ou corporate capacite.

Corruption de sanke.

Corruption de sanke est quand aucun est atteint de Felonie ou Treason, d'oques son sanke est dit deste corrupt, per raison de quel, ses enfants, ne aucun de son sanke ne poyent estre heires a luy, ne al aucun autre auncestor, pur ceo que ils doyent claime per luy. Et sil fuit Noble ou Gentlehome devaunt, il & tous ses enfants per ceo s'ont faits ignoble & ungentle, ayant regard al Nobilitie ou Gentry ils claime per leur pier, que ne poit estre fait sane arere per Graunt le Roy, sans autoritie de Parliament.

Mes si le Roy voile pardon le offender, il voile purger le corruption del sank des tiels Issues, queux sont nee puis le pardon, & ils poyent inherite le Terre de leur Ancestour, purchase al temps del pardon, ou apres, mes issint ne poyent ils queux fueront nee devaunt le pardon. Auxy il que est atteint de Treason, ou Felonie, ne serra

The Exposition of

heire a son piere : Mes cest disability estoppera auters destre son heire, issint que durant son vie le Terre potius escheatera al Seignior del Fee, que descend al auter.

Mes si il q est attainte, morust sans issue de son corps, durant le vie son Ancestour, dunque son puisne Frere, Soer, ou Cousine inheritera : Car si leigne fits soit pendus, ou abjure le Terre, pur Felonie, durant le vie le Pere, il nest impedimēt mes q le puisne fits puit inheriter, 27. Ed. 3. 77. Et sil que est attaint de Treason ou Felonie, en le vie de son ancestor, purchase le pardon le Roy devaunt le mort son Auncestor, uncore il ne serra heire al dit Auncestour, mes le Terre potius escheatera al Seignior del Fee, per le corruption del sanke, 26. Ass. placit. 2. Mes si leigne fits soit Clerke convict en le vie son Piere, & puis son Piere morust, en cest case il inheritera la Terre son Pere, p ceo que il ne fuit attaint de Felonie, car p le Common Ley il serroit inherite puis que il ad fait son purgation. Et jammes per le Stat. de 18. Eliz. cap. 6. il serra subit enlarge puis le arser en le maine, & deliver hors de prison, & nient commit al Ordinary a faire son purgation, mes il est en mesm plite come il ad fait son purgation.

Si home que ad terre en droit sa feme, ad issue, & son sank est corrupt per attainder de Felony, & le Roy luy pardon, en cest case si le feme morust devant

heire to his father : but this disability shall hinder others to be heire, so that during his life the Land shall rather escheat to the Lord of the Fee, than descend to another.

But if hee which is attainted dyeth without Issue of his body, during the life of his ancestor, the his younger Brother, Sister, or Cousine, shall inherit : for if the eldest son be hanged, or abjure the Realme for Felony during the life of the father, it is no impediment but that the youngest son may inherit, 27. Ed. 3. 77. and if he which is attainted of Treason or Felony in the life of his Ancestor, purchase the Kings pardon before the death of his Ancestor, yet hee shall not be heire to the said Ancestor, but the Land shall rather escheat to the Lord of the fee by the corruption of the blood, 26. Ass. pl. 2. But if the eldest son be a Clerke convict in the life of his father, and after his father dyeth in this case hee shall inherit his fathers land, because hee was not attainted of Felony, for by the Common Law he should inherit after he had made his purgation. And now by the Stat. of 18. El. c. 6. he shall be forthwith enlarged after burning in the hand and delivered out of prison, and not committed to the Ordinary to make his purgation, but hee is in the same case as if he had made his purgation.

If a man that hath land in right of his wife, hath issue, and his blood is corrupted by attainder of Felony, & the King pardons him, in this case if the wife dyeth before

fore him, hee shall not be Tenant by the curtesie, for the corruption of the blood of that issue. But it is otherwise if hee hath issue after the pardon, for then hee shall bee Tenant by the curtesie, although the issue which he had before the pardon, be not inheritable, 12. H.

7. 17.

If a man seised of land hath issue two sons, & the eldest is attained in the life of his father of felony, and therfore executed, or otherwise dyeth during the life of his father, & after the father dyeth seised of the land, the land shall descend to the youngest sonne, as heire unto his father, if the eldest son hath no issue then alive. But if the eldest son which was attained hath any issue alive, which should have inherited but for the attainder, the land shall escheat to the Lord, & shall not descend to the youngest brother, because that the blood of the eldest brother is corrupted, 32. H. 8. Dy. 48.

But it is to be noted, that there are divers things made treason by Act of Parliament, wherof although that a man bee attained, yet his blood is not corrupted, neither shall hee forfeit any thing but that which hee hath for his owne life: as if a man be attained upon the Statute of 5. Eliz. ca. 1. ordained against the maintaining of the authority of the Bishop, & See of Rome, this shall not extend to make any corruption of blood, the disheritance of any heire, forfeiture of any dower, nor to the prejudice of the right or title of any person, other than the offender or offen-

der, il ne serra Tenant per le curtesie, pur le corruption del sang de cel issue. Mes autrement est s'il ad issue puis le pardon, car donque il serra Tenant per le curtesie, nient obstant que le issue que il avoit devant le pardon ne soit enheritable, 13.

H. 7. 17.

Si home seisie de Terré ad issue deux firs, & leygne est attainct en le vie son piere de Felonie, & pur ceo execute, ou autrement morust durant le vie de son piere, & puis le pere morust seisie del Terre, le terte discedra al puisne firs, come heire a son pere, si leigne firs nad issue donques en vie. Mes si le eigne firs que fuit attainct ad ascú issue en vie, que inheritera mes pur le attainder, le Terré escheatera al Seignieur, & ne discedra al puisne frere, pur ceo que le sang del eigne frere est corrupt, 32. Hen. 8. Dy. 48.

Mes est desiré observe, Que la sont ascuns choses fait Treason per Act de Parlement; de queux comment que home soit attainct, uncore son sang nest corrupt, & il forfeitera riens forsq; ceo que il ad pur son vie demesne. Come si home soit attainct sur le Stat. de 5. Eliz. cap. 1. ordeigne enuers le maintenance del authoritie del Evsq; & See de Rome, ceo ne extendra a faire ascun corruption de sang, le disheritance d'ascun heire, forfeiture d'ascun Dower, ne al prejudice del droit ou title d'ascun person, auter que le offender ou offendours.

The Exposition of

durant son ou iour natural vies
solement.

Il sint si home soit attainé per
force del Statute de 5. *Elizabeth*,
cap. 11. provide encounter le
clipping, washing, filing, & rou-
ding d'argent, uncore la nest
asc' corruption de sanke. En
mesme le manner est del Stat.
de 18. *Elizabeth*, *ca. 1. 1. Jac. 1. 12.*
1. Mar. cap. 12. encounter illoyal
assemblies: & 5. *Eliz. cap. 14.* en-
couter le forger de faits: Et le
Stat. de 31. *Eliz. cap. 4.* encoûter
le embeasilling L'ordinâce, Ar-
mour, & Artillerie le Roigne.

Corse present.

Corse present sont parols sig-
nifiant un le Mortuarie, &
le reaso pur q Mortuarie est is-
sint appel, semble destf pur ceo,
q ou un Mortuarie soloit destre
due, le corps del mieux des avers,
fuir solong; le Ley ou Custome,
offer ou present al Priestre. Vies
An. 21. H. 8. cap. 6. ou enter au-
chofes est enact, Que nul Mortu-
ary ne Corse present, ne ascun
sum ou summes d'argét, ou auter
chose pur ascun Mortuarie ou
Corse present, serra demaund,
prise, receive, ou ad, mes solemt
en tiels lieux & Villes ou Mor-
tuaries ont estre accustome de-
stre prise & pay.

Cofinage.

Cofinage est un Briefe, &
gift lou mon Besayel, mon
Tresayel, ou auter Cosine
devie seisie en Fee-simple, & un
estraüger abata, cest adire, enter
en les Terres, donques jco aüa

dozs during his or their naturall
libes onely.

So if a man bes attained by
force of the Stat. of 5. *Elizab. cap.*
11. provided against the clipping,
washing, fyleing, and rounding of
money, yet there is no corruption
of blood: In the same manner is
it of the Statute of 18. *Ellz. cap. 1.*
1. Jac. ca. 12. 1. Mar. cap. 12. against
unlawfull assemblies: and 5. *Eliz.*
cap. 14. against the forging of ebi-
dence: and the Statute of 31. *Eliz.*
cap. 4. against the embeaselling of
the Quenes Ordinance, Armoz
or Artillerie.

Corse present.

Corse present are words signi-
fying a Mortuary, & the reason
why the Mortuarie is so termed,
seemeth to be because that where a
Mortuary was wont to be due,
the body of the best beast was ac-
cording to the Law or Custome,
offered or presented to the Priest.
See Anno 21. H. 8. c. 6. where as
mong other things it is enacted,
that no Corse present, nor any
sum or summes of money, or other
thing, for any Mortuary or Corse
present shall be demanded, taken,
received, or had, but onely in such
places and towne where Mortu-
aries have bene accustomed to be
taken and paid.

Cofinage.

Cofinage is a writ, and it lyeth
where my great Grandfather,
my Grand-fathers Grand-father,
or other Cofin dyeth seised in fee-
simple, and a stranger abateth,
viz. entreteth into the lands, then
I shall

I shall have against him this writ, or against his heire, or his aliene, or against whomsoever that cometh after to the said lands. But if my grandfather die seised, and a stranger abateth, then I shall have a writ of Ayel. But if my father, Mother, Brother, Sister, Uncle, or Aunt, dye seised, & a stranger abateth, then I shall have an Assise of Mortdancester.

Cottage.

Cottage is a little house for habitation of poore men, without any land belonging unto it, wherof mention is made in the first Statute made in 4. E. 1. And the inhabitant of such a house is called a Cottager: But by a Statute made in the 31. yeare of Queene Eliz. cap. 7. no man may at this day build such a Cottage for habitation, unlesse hee lay unto it foure acres of freehold land, except in Market-townes, or Cities, or within a mile of the sea, or for habitation of labourers in Mines, Haylers, Foxesters, Sheepheards, &c.

Covenant.

Covenant is an Agreement made by Deed in writing, and sealed between two persons, where every of them is bounden to the other to performe certaine covenants for his part, and if the one of them holdeth not his covenant but breaketh it, then he which thereof seeleth himselfe grieved, shall have thereupon a writ of covenant.

And Covenants are either in

vers luy cest briefe, ou envers son heire ou son Alienee, ou envers quecunque q̄ aveign' apres a les dits Terres. Mes si mon Ayel devie seisie, & un Estranger abate, donques jeo avera un Briefe de Ayel. Mes si mon Pier, Mier, Frere, Soer, Uncle, ou Aunt, devie seisie, & un estranger abata, donques jeo avera un Assise de Mortdauncester.

Cottage.

Cottage (*cotagiū*) est un petite maison pur le habitation des povers homes, sans ascun terre a ceo apperteināt, dont mentiō est fait en le primer stat. fait ē 4. E. 1. & le inhabitant en tiel maison est appelle un Cottager. Mes p un Stat. fait en 31. le Roigne Eliz. ca. 7. Nul hōe poit ore edifier tiel cottage pur habitation, sinon q̄ il fait giser a ceo quater acres de terre de franktenement, except en Cities & Market Boroughs, ou deins un mille del mere, ou pur le habitatiō des labourers en Mines, Saylers, Foxesters, Pastors, &c.

Covenant.

Covenant est un Agreement fait p Fait en escript, & enseale parenter deux persons, lou chescun de eux est tenus al autre de performer certeyne Covenants pur son part, si lun de eux ne tient passē son Covenant, mes enfreint ceo, donques celui que se sent de ceo grieve, avera ent un Briefe de Covenant.

En Covenants sont ou en Ley

The Exposition of

ou en Fait, *Coke Lib. 4. fol. 80.* oue Covenant expresse, & Covenant en Ley, *Coke Lib. 6. fol. 17.* Un Covenant en Ley est ceo q le Ley entend destre fait nient contristeant q en parols ne soit expresse: Come si home demise un chose al auter, pur un certaine terme, le Ley entende un Covenant del part le Lessor, que l'lessee tiendra tout son terme enconfe tout loyal encumbrances. Covenant en fait est ceo que expressement est agreee parant les parties.

Auxy la est Covenant meere-ment personal, & Covenant real, *Fitz. Natura Brev. fol. 145.* & il semble adire, Que Covenant real est per que hoe luy oblige de passer un chose Real, cõe Terres ou Tenements, sicome Covenant d'levier un fine de Terre: Covenant merement personal en converso, est ou home covenant oue auter per fait, de edifier un meason, ou de server luy. Veies le veyel lieure de *Entries*, verbo *Covenant.*

Mes nota bien, que nul Briefe de Covenant serra maintenable sans especialty, sinon en le City de Londres, ou en ascun auter tiel lieu, privilege per custome & use.

Coverture.

COverture est quaut un hoe & un feme sont espouse ensemble, ore ascun chose que est fait concernout la feme en le temps de le continuance de cest mariage perenter eux est dit destre fait durant le coverture, & le

Law is in fact, *Coke lib. 4. fol. 80.* or Covenant expresse, or Covenant in Law, *Coke lib. 6. fol. 17.* A Covenant in Law is that which the Law intendeth to be done, although it bee not expresse in words: as if a man demise any thing to another, for a certaine terme, the Law intendeth a Covenant of the part of the Lessor, that the Lessee shall hold all his terme against all lawfull incumbrances. Covenant in fact is that which is expressly agreed betwene the parties.

Also there is a Covenant merely personal, and a Covenant real, *Fitzherberts Natura Brevium, fol. 145.* and he seemeth to say, that Covenant real is whereby a man tyeth himselfe to passe a thing real, as Lands or Tenements, as a Covenant to leise a fine of land: Covenant merely personal on the other side, is where a man covenanteth with another by deed, to build a house, or to serve him. See the old Books of Entries, the word Covenant.

But note well, That no writ of Covenant shall be maintainable without especialty, but in the City of London, or in some other place privileged by custome and use.

Coverture.

COverture is when a man and a woman are married together, now whatsoever is done concerning the wife in the time of the continuance of this marriage betwene them, is said to be done during the Coverture, and the

Wife

Wife is called a woman covert, and thereby is disabled to contract with any one, to the prejudice of her selfe, or of her husband, without his consent and privitie, at the least without his allowance and confirmation. See Brooke this title. And Bracton saith, that all things that are the wives, are the husbands, neither hath the wife power of her selfe, but the husband, lib. 2. cap. 15. and the husband is the head of his wife, lib. 4. c. 24. and againe, that in any law matter she cannot answer without her husband, lib. 5. tract. 2. cap. 3. And if the husband alien his wives land during the coverture, she cannot gainsay it during his life.

Covin.

Covin is a secret assent determined in the hearts of two or more, to the prejudice of another: As if a tenant for terme of life, or tenant in tail, will secretly conspire with another, that the other shall recover against the tenant for life the land which he holdeth, &c. in prejudice of him in the reversion.

Cui in vita.

Cui in vita is a writ, and it lyeth where a man is seised of lands in fee-simple, or fee-tail, or for terme of life, in the right of his wife, and alieneth the same land, and dyeth, then she shall have the said writ for to recover the land.

And note well, that in this writ her title must be shewed whether it be of the purchase of the woman, or of the heritage of the woman. But if the husband

feme espouse est appel un feme Covert, & p ceo disable de contracter one ascun al prejudice d sa mesme ou sa Baron; sans son consent ou privitie, al meins sās son allowance ou confirmation.

Vies Brook cest Title. Et Bracton dit, Que tous choses q sont la Femmes, sont le Barons, nec ad la feme poyar de sa mesme, mes le Baron, Lib. 2. cap 15. & que le Baron est le teste sa feme, Lib. 4. cap. 24. & arere, que en ascun chose legal el ne poit responder sans sa Baron, Lib. 5. Tract. 1. cap. 3. Et si le Baron alien le terre sa feme durant le couverture, el ne poit ceo dedire en le vie sa Baron.

Covin.

Covin est un secret assēt determine ē les cœurs de deux ou plusors, al prejudice d'un auter: Come si tenant pur terme d vie, ou tenant en le taile secretment conspire ouc un auter, que l'auter recouvrera vers le tenaunt pur vie le terre que il tient, &c. en prejudice de celuy en le reversion.

Cui in vita.

Cui in vita est un Briefe, & gift lou home est seise de terres ē fee-simple, ou fee-tail, ou pur terme de vie, en droit sa feme, & aliena mesme le terre, & devie, donques el avera le dit Briefe pur recoverer la terre.

Et nota bien que en cest Briefe son title doit este monstre, si soit de purchase la feme, ou de le heritage la feme. Mes si le Baron alien le droit sa feme,

The Exposition of

& le Baron & la feme deviont,
le heire le feme avera un Briefe
de *Sur cui in vita*.

alien the right of his wife, and
the husband and the wife dye, the
wives heire may have a Writ of
Sur cui in vita.

Cui ante divortium.

Cui ante divortium est un
Briefe, & gift en semble man-
ner, quant tiel alienation est fait
per le baron del terre la feme, &
puis divorce est ew inter eux,
donques la feme avera cest
Briefe, & le Briefe dirra, *Cui
ipsa ante divortium contradice: e
non potuit.*

Count.

Count est tant cōe l'original
declaration en un proces, un-
core pluis tost use en real q̄ per-
sonal actions, cōe declaration est
pluis apply al personal que real,
*F.N.B. 16.a. 60.d. n. 71.a. 191.e.
217.a.* Libel oue les Civilians cō-
phéd ambideux. Et uncore cōut
& declaration sont ascun foirs
confound, come count en det,
Kit. 281. Count ou declaration
en appeale, *Pl. Cor. 78.* Count en
trñs, *Brit. cap. 26.* Count en
action de trñs sur le case p̄ scan-
der, *Kitch. 252.* Contēurs ad este
prise p̄ tiels q̄ux hōe receive de
pler pur luy en asc' Court, cōe
advocates, & *Pledeurs* dene un
auter sort, come Attornies pur
un que en present en p̄son mes
souffre un auter a dire pur luy.
Countours per M *Horne*, sōt tiels
Sergeants erudite en les leyes
del terre que servont les laye
gents de pronouncer & defender
leur actions en judicature pur
leur fee.

Cui ante divortium.

Cui ante divortium is a writ;
and it lyeth in like manner,
when such alienation is made by
the husband of the wives land,
and after divorce is had betwene
them, then the woman shall have
this writ, and the writ shall say,
To whom shee before the divorce
might not gainfay.

Count.

Count is as much as the origi-
nall declaration in a proces,
enough moze used in real than
personall actions, as declaration
is moze applied to personall than
real, *F.N.B. 16.a. 60.d. n. 71.a. 191.
c. 217. a.* Libel with the Civilians
comprehendeth both. And yet
count and declaration be confoun-
ded sometimes, as count in debt,
Kit. 281. Count of Declaration in
appeale, *Pl. Cor. 78.* Count in tres-
pas, *Brit. c. 26.* Count in action of
trespas upon the case for a slan-
der, *Kit. 252.* Contēurs hath beene
taken for such as a man retaineth
to speake for him in any court as
advocates, and *Pledeurs* to be ano-
ther sort, as Attornies for one that
is present himsele, but suffereth
another to speake for him. Coun-
tours by M. *Horne*, are such Ser-
geants skilfull in the Law of the
Realme, which serve the common
people to pronounce and defend
their Actions in judgement for
their fee.

Countee.

Countee.

C^Ountee is called à comitando, because they accompany the King; and this was the most eminent and high dignity from the conquest, until the 11. years of R. Ed. 3. when the black Prince was created Duke of Cornwall, and those which of ancient time were created Countees were of the blond Royall, and at this day the King in all his appellations stileth them by the name of Our most deare Cosine, and for these causes the Law giveth them high and great privileges, and therefore their body shall not be arrested for debt, trespass, &c. because that the Law intends that they assist the King with their Councell for the publike good, and keeps the Realms by their prowess and valour. Also for the same cause they shall not be put in Juries, although that it be for the service of the Countrey. Also if issue be taken, whether the plaintife or defendant be a Countee or not, this shall not be tried by the Countrey, but by the Kings writ. Also the defendant shall not have a day of labour against a Lord of the Parliament, because that he is intended to attend the publike. And of ancient time the Countee was *Præfectus* or *Præpositus Comitatus*, and had the charge and custodie of the Countie: and now the Sherife hath all the authoritie for administration and execution of Justice which the Countee had, *Coke lib. 9. fol. 49.* and therefore he is called *Discount.*

Countee.

C^Ountee *dicitur à comitando, quia comitantur Regem;* & ceo fuit le plus eminent & supreme dignitie del conquest, jefque le unzisme añ del Roy *Ed. 3.* ou le Black Prince fuit create Duke de Cornwall, & ceux q̄ de anciēt temps fueront create Countees fueront de sanke Royal, & jefq; a cest jour le Roy en tous ses appellations stile eux p̄ le nom *Charissimi consanguinei nostri,* & pur ceux causes le Ley done a eux haut & grand privileges, & pur ceo lour corps ne serra arrest pur det, trespass, &c. pur ceo que le Ley entend que ils assistont le Roy oue lour councel pur le weale publique, & gardont le Royallme en safetie per lour prowess & valour. Auxy pur mesme le cause ils ne serra mise en Juries coment que ceo soit pur le service del pays. Auxy si issue soit prise, si le plaintife ou defendant soit un Countee ou nemy, ceo ne serra trie per pais mes per le Brieve le Roy. Auxy le defendant navera jour de grace vers le Seignior del Parliament, p̄ ceo que il est intend d'atteinder de publique. Et d'anciēt temps le Countee fust *Præfectus seu Præpositus Comitatus,* & ad le charge & custodie del Countie: Et ore le Viscont ad tout l'autoritie pur administration & execution de Justice que le Countee avoit, *Coke lib. 9. fol. 49.* Et p̄ c'est appell Viscount.

Countenance,

The Exposition of

Countenance.

Countenance semble destre use pur credance ou esteenie: *Veiel N. B. III.* in ceux parols: *Auxy l'attaint serra grantus as povers homes q̄ prendront leur serement q̄ ils ont riens de que ils poyent de faire leur fine, ouster leur countenance.* En mesme le manner est use, *1. Ed. 3. Stat. 2. cap. 4.* en ceux parols, Visconts chargerot le debtors le Roy oue tant q̄ ils poyent le vier oue leur serements, sans abatement del countenance des debtors.

Countie.

Countie est tant en significacⁿ come Shire, ambideux contenant un circuit ou portion al roialme en q̄ tout le terf est aporcⁿ p̄ le mieux governance de cⁿ, & pluis facile administracⁿ de justice, issint q̄ la nē aucun pt del roialme q̄ ne pas gift deins ascⁿ county, & chescⁿ county est gouverne p̄ un annual officer, le quel nous appellomus Vicⁿ, que entⁿ auters duties apperteināt a son office, mit en executⁿ tous les mandats & judgements des courts lⁿ Roy queux sont destre execute deins cel circuit, *Fortesc. ca. 24.* De ceux counties la sōt 4. pluis observe que auters, appel Cōutie palatines, cōe le Countie palatine de Lancast. de Chester, & Durhā, & dⁿ Ely, *an. 5. El. c. 23.* la suit auxy lⁿ Cōutie palatine de Hexā, *an. 33. H. 8. ca. 10.* mes de ceo *quere.* Et cōutie palatine est jurisdiction de cy alt nature, que ou tous ples touchant le vie ou maihem dū hōe, appel ples del

Countenance.

Countenance seemeth to be used for credit or estimation: *Old N. B. III.* in these words: also the attaint shall be granted to poore men that will take their oathes that they have not any thing whereof to make their fine, saving their countenance. In the same manner it is used, *1. Ed. 3. Stat. 2. c. 4.* in these words, Sherifes shall charge the Kings debtors with as much as they may leve with their Oathes, without abating the debtors countenance.

Countie.

Countie signifieth as much as Shire, both containing a compassⁿ or portion of the Realme, into the which all the land is divided for the better government thereof, and more easie administering of justice, so that there is not any part of the Kingdom that lies not within some County, and every County is governed by a yearly officer, whom we call Sheriffe, who amongst other duties belonging to his office, putteth in execution all the commandements and judgements of the Kings Courts that are to be executed within that compass. *Fortesc. c. 24.* Of these Counties there are foure more remarkable than others, called County Palatines, as the County Palatine of Lancaster, of Chester, of Durham, and of Ely, *An. 5. El. c. 23.* there was also the County Palatine of Hexham, *An. 33. H. 8. c. 10.* but thereof *quere.* And a County Palatine is of so high a nature, that whereas all ples

plees touching the life or member of a man, called plees of the Crowne, are usually held and sped in the Kings name, and cannot bee passed in the name of any other: The chiefe Governours of these by speciall charter from the King heretofore did send out all writs in their own name, and did all things touching justice, as absolutely as the Prince himselfe in other Countie, only acknowledging him to be their superiour and Sovereigne. But by the Stat. of 27. H. 8. c. 25. this power was much abridged, the which see, and *Crompt. Jurisd.* 137. Besides these two sorts of Countie, there are also Countie corporate, as appeareth by the Stat. of 3. Ed. 4. 5. and these are certaine Cities or ancient boroughs of the Land upon whom the Princes of this Nation have bestowed such extraordinary liberties, as London, York, Chester, Gloucester, and many others.

County in another signification is used for the County Court which the Sheriffe keepeth every moneth within his charge, either by himselfe or his deputy, see for this, *M. Daltons Office of Sherifes.* Of these Countie or Shires one with another, there are reckoned to be 37. in England, besides the twelve in Wales.

Court:

Court is diversly taken, sometimes for the house where the King remaineth with his ordinary retinue, and also the place where Justice is judicially minist-

Corone, sôt usualment tenuz & execute en le nosme le Roy, & ne poit estre fait en le nosme d'ascun autre: Le primer Gardeans de ceux p'especial Chartre del Roy en tiemps par devant mitteront hors tous Briefes é leur nosme demesne, & fairont tous choses touchant justice cy absolument come le Roy mesme en autres Counties, solement conusant luy d'estre leur superiour & Sovereigne. Mes per l'estatute de 27. Hen. 8. cap. 25. cest poyar fuit mult abridge, le quel veies, & *Crompt. Jurisd.* 137. Ouster ceux deux sorts de Counties, la sont auxy Counties corporate, come appiert per L'estatute de 3. Ed. 4. 5. & ceux sont ascun Cities ou veiel burghs del terre sur queux les Royes de cest gent ont done tiel Franchises extraordinaries, come Londres, Eborum, Cestrie, Gloucester, & plusors autres.

Countie en un autre signification est use pur le countie court que le viscount tient chescun moys deins son libertie, ou per luy mesme, ou per son deputie, Veies pur ceo Monsieur Dalton, *Officium Vicecom.* De ceux Counties ou Shires un ouc autre la sont account destre 37. é Angleterre, ouster les 12. en Gales.

Court.

Court est diversment prise, ascun foits pur le maison ou le Roy est present ouc son ordinaire attendants, & auxy le lieu ou Justice est judicialment ministré, de

The Exposition of

de queux vous poies trover 32. several sorts en *M. Crompt. Juris.* bien describe, & de ceux le greinder sort sont Courts de record, ascuns ne sont, & pur ceo esteeme base Courts en respect des auters.

Ouster ceux auxy la sôt courts Christien, issint appel per ceo q̄ ils treat choses especialment appartenant al Christianisme, & tiels que sans bien science en theologe ne poient estre pas bien decide, esteant tenus cy devant p̄ Archievesques & Evesques, cōe del Pape de Rome; mes apres sō ejection ils tiendront eux p̄ l'autorite le roy, *Virtute magistratus sui*, come L'admiral D'engleterre tient son Court: Surque il proceed que ils mitont hors lour citations en lour nosmes demesne, & nemy en le nosme le Roy, come les Just. des Courts le Roy, font, & pur ceo come l'appeale de ceux Courts gisera al Rome, jammes per le Statute de 25. *H. 8. cap. 19.* il gift al Roy en son Chancery.

Court Baron.

Court Baron est un court que chescū Seignior dū Manor ad deins son precincts demesne. De ceo Court & court Lett. *M. Kit.* ad escrie un liure pleine d̄ bone erudition. Cest Court cōe sensible, en *Coke L. 4. fol. 26.* est come double, & pur ceo si home ayant un Manor en un ville granta l'inheritance des tous les Copiholds a ceo appartenants a un auter ceo grantee poit tener un Court pur le customary tenants

stred, of which you may finde 32. several sorts in *M. Crompt. Juris.* well described, and of those the greater part are Courts of record, some are not, and therefore accounted base Courts in comparison of the others.

Besides these, there are also courts Christian, so called, because that they handle matters chiefly appertaining to Christianity, and such as without good knowledge in divinity cannot be well judged of, being heretofore held by Archbishops and Bishops, as from the Pope of Rome; but after his rejection they held them by the Kings authority, by virtue of his magistracie, as the Admirall of England holdeth his Court: whereupon it proceedeth that they sent out their precepts in their owne names, and not in the Kings name, as the Just. of the Kings Courts doe, & therefore as the appeale from those Courts did lie to Rome, now by the Stat. of 25. *H. 8. cap. 19.* it lyeth to the King in his Chancery.

Court Baron.

Court Baron is a court that every Lord of a Manor hath within his owne precincts. Of this court and court Lett. *M. Kit.* hath writt a learned book. This Court as it seemeth in *Co. l. 4. f. 26.* is as twofold, and therefore if a man having a Manor in a towne granteth the inheritance of all the copiholds thereunto belonging to another, this grantee may hold a Court for the customary tenants, and accept of surrenders to the use of

of others, and make admittances and grants: The other court is of freeholders, which is properly called the Court Baron, wherein the suitors, that is to say, the freeholders are judges, whereas of the other Court the Lord or his steward is Judge.

& accepter surrenders al use d'auters, & faire admittances & grants: L'auter Court est del Franktenants que est properment appel le Court Baro, en q les suitors, cest adire, les Franktenants sont Judges, ou d'auter Court le Sñr ou son Seneschal est Judge.

Cranage.

CRanage is a liberty to use a Crane for the drawing up of wares or goods out of any Ship, Boat, or Barge, at any creeke or wharfe, and to make profit of it: It is used also for the money that is taken for that worke,

Cranage.

CRanage est un liberty pur user un Crane pur le extraire des wares ou biens hors dun neise, bateau ou nassele al ascū creek ou wharfe, & de faire benefit de ceo: Est use auxy p les deniers queux sont prises pur ceo labor,

Creeke.

CReeke is that part of a Haven from whence any thing is landed or disburdened out of the sea. And this word is used in the Statute made in the 5. of Q.Eliz. cap. 5. and 4. H.4. cap.20. &c.

Creeke;

CReeke est ceo part dunHaure de quel ascun chose est discharge ou disburden hors del mere. Et cest paroll est use en lestatute fait en le 5. an del Roign.*Eliz. 1.5. & 4.H.4. ca.20.*

Curtilage.

Curtilage is a garden, yard, field, or peece of boide ground lying neare, and belonging to the messuage, West. part.2. sect.26. and so it is used, 35. H.8. c.4. 39. El.2. Co. lib.6. fol.64.

Curtilage.

Curtilage est un garden, yard, campe, ou piece de vacant fre gisant pecheine & apperreinant al messuage, *west. part.2. Sect.26.* & issint est use, 35. H.8. cap.4. 39. El.2. *Coke lib.6. fol.64.*

Coutheutlaugh.

Coutheutlaugh is he that willingly receiveth a man outlawed and cherishes or hides him, in which case he was in ancient time subject to the same punishment as the man outlawed was, Bract.1.3. tr.2. c.13. nu.2. It is compounded of couth, i. knowne, and utlaw, out-lawed, as we now call them,

Coutheutlaugh.

Coutheutlaugh est cestuy que voluntariment receive home utlage, & relieva ou cacha luy, en q cas il fuit en veiel temps lyable al m le punishment que le home utlage m fuit, *Bra.li.3. tra.13. nu.2.* il en cōpose de couth, i. conus, & utlaw, utlage, come nous jammes eux appellonius.

Coucher.

The Exposition of

Coucher.

Coucher est un factour que remaine en asc' lieu ou pais p' chivifance, *Ann. 37. E. 3. c. 16.* il est auxy use p' l' common llū en que ascun corporac' entrast lour particular faits p' un perpetual register de eux.

Creansor.

CReansor vñust del Francois croyance, id est, persuasio, & signifie cestuy q' konsist auter oue ascū debte soit ceo en deniers, wares, ou auters choses, & c' paroll est use en le veiel N. B. en le Briefe de *Audita querela*, fol. 66. a.

Croft.

CRoft est un petite clause ou pightle adjoynāt al un mease, & est use ou pur pasture ou arable come ceo pleist le owner, Et semble deme derive del veux paroll (*Creast*) id est, handy-craft, p' ceo que ceux terres sont pur le plus part manures oue le principall craft del owner.

Cuckingstoole.

Cuckingstoole est un engine invent pur le punishment des seolds & inquiet femes, & fuit appell en ancien temps un Tūbrell, come appiert p' Monsieur *Lambert*, en son *Eirenarch. lib. 1. cap. 12.* Et appiert per les cases & Judgements en Eire, en le temps E. 3. que Pillory & Tumbrell sont appēdants al un Leet, sans queux droit ne poit

Coucher.

Coucher is a factor who continueth in some place or country for traffick, *Ann. 37. Ed. 3. cap. 16.* it is also used for the gentall booke into which any corporation entereth their particular ads for a perpetuall remembrance of them.

Creditor.

CReansor or Creditor cometh of the French Croyance, that is, confidence or persuasion, and it signifies him that trusts another with any debt, be it money, wares or other things, and this word is used in the old Nat Brev. in the wpit of *Audita querela*, fol. 66. a.

Croft.

CRoft is a little Close or pightle adjoyning to an house, and is used either for pasture or arable as the owner pleases. And it seemes to be deribed from the old word (*Creast*) that is to say, handy-craft, because that these lands are for the most part manured with the best skil of the owner.

Cuckingstoole.

Cuckingstoole is an engine invented for the punishment of seolds and inquiet women, and it was called in old time a Tumbrell, as appeares by M. *Lambert* in his *Irenarke*, lib. 1. cap. 12. And it appeares by the cases and Judgements in Eire, in the time of Edward the third, that a Pillory and a Tumbrell are appendant to a Leet, without which

Which, Right cannot be administered to the parties within the view, Keloway fol. 140. b.

Cuntee.

Cuntee cuntee is a kind of trial, as appeareth by Bracton in these words, The matter in this case shall be ended by cuntee cuntee, as betweene coheires, li. 4. tr. 3. c. 14. and again in the same place, In a writ of Right the business shall be determined by cuntee cuntee: and thirdly, l. 4. tr. 4. c. 2. The cause shall be tried by writ of Right, neither by battell nor the great Assise, but by cuntee cuntee onely, the which seemeth to be as much as by the ordinary Jury.

Curfew.

Curfew cometh of two French words, Couvrir, to cover, and Feu, fire: it is used with us for an evening peale, by which the Conquerors willed every man to take warning for the raking up of his fire, and putting out of his light; so that in many places at this day when a Bell is customably rung toward bed time, it is said to ring Curfew.

Currier.

A Currier is one that dresseth or liquoreth leather, and is so called of the French word Cuir, id est, Corium, leather: the word is used in all the Statutes made for the good making of leather, as in 1. Jac. cap. 22. &c.

Cursiter.

Cursiter is an officer or Clerke belonging to the Chancery,

estre fait as parties deins le view, Keloway fol. 140. b.

Cuntee.

Cuntee cuntee est un kind d' trial, come appiert p^r Bract. en ceux parols, *Negotiū in hoc casu terminabitur per cuntee cuntee, sicut inter cohæredes, lib. 4. tra. 3. c. 18. & arere en m le lieu, In brevi de recto negotiū terminabitur per cuntee cuntee: & tiercement, lib. 4. tra. 4. cap. 2. Terminabitur negotium per breve de recto, ubi nec duellum, nec magna assisa, sed per Cuntee cuntee omnino, le quel semble estre tant come per l'ordinary Jurie.*

Curfew.

Curfew vient des deux parols Francois, *Couvrir, coverer, & Feu, fire: est use oue nous pur un peale vespre; per que le Conquerour command chescun hōe d' pnder garnie pur le coverture de son feu, & l'extinguishunt de son lumen; Issint que en plusors lieux a cest jour, ou un campane ē usualmēt tinta pchein tēps d' ulect, il est dit de tinter Curfew.*

Conroieur.

Conroieur est un que dresse & liquor Cuir, & est issint appel del Fracois parol *cuir, id est, corium*: Cest parol Currier, est frequent en tous les Statutes faits pur le bon feasance d' cuir, come en 1. Jacobi cap. 22. &c.

Cursiter.

Cursiter est un Officer ou Clerk appartenant al Chancerie,

The Exposition of

erie, que fait hors original briefes, 14. & 15. H. 8. cap. 8. Sont appel Clerkes del Course en le serement des Clerkes del Chancery, appointe Anno 18. Edw. 3. Stat. 5. La font de ceux vint quarter en nombre, que ont allotta a chescun de eux asc' Counties en le quel ils font hors tiel original Briefes, que sont per le subject require, & son un Corporation inf' eux mesmes.

Custome.

Custome poit estre define estre un Ley ou Droit nient escrie, que esteant establie per veiel use & le consent de nostre Ancestors, ad estre, & jourent est mise en ure. Custome est ou generall ou particul'; genal est c' q' e approve per tout Angliere, de queux vous poyes lier en *Doflor & Student, lib. 1. cap. 7.* plusors fort digne dest' conus: Particular est ceo que appertient a ceo ou tiel County, come Gavelkind al Kent; ou a ceo ou tiel Seigniorie, Citie, ou Ville.

Custome differt del prescription, p' ceo que Custome est comon a plusors, & Prescription, p' l'opinion dascun, est particulier a cel ou tiel hoe: Auxy Prescription poit estre pur un pluis curt temps q' custome, scz. p' cinque ans, ou un anne, ou meins; Cœ si fine soit duement leuy d' fies ou tenements, & ne soit de dit deins cinq; ans, c' est bar' a chesc' claim a tous jours.

Si home omitta son continual claime pur un an & jour, dunque le Tenant en possession

who maketh out originall writs, 14. & 15. H. 8. cap. 8. They are called Clerkes of the Course in the oath of Clerkes of the Chancery, appointed An. 18. Ed. 3. stat. 5. There are of them 24. in number, which have allotted unto every of them certaine Shires, into the which they make out such originall Writs as are by the subject required, and are a corporation among themselves.

Custome.

Custome may be defined to be a Law of Right, not written, which being established by long use, and the consent of our Ancestors, hath bin, and daily is put in practice. Custome is either general or particular; general is that which is currant throughout England, whereof you may reade in Doctor and Student, l. 1. c. 7. many very worthy to be knowne; Particular is that which belongeth to this or that county, as Gavelkind to Kent, or to this or that Lordship, Citie, or Towne.

Custome differeth from prescription, because that custome is common to many, and prescription, by the opinion of some, is particular to this or that man: again, Prescription may be for a shorter time than Custome, scz. for five yeares, or one yeare, or lesse: As if a fine be duly levied of lands or tenements, and be not gain-sayed within five yeares, this is a barre to all claime for ever.

If a man omitteth his continual claime for a yeare and a day, then the tenant in possession prescribeth

forbethe an immunity against the entry of the Demandant and his heire, *Fitz. Nat. Bre. 79*. Out of our Statutes you may have greater diversity; So that this seemeth to be a true saying, That Prescription is an exception founded upon so long time gone and past, as the Law limiteth for the pursuit of any Action. An example may be taken out of the Statute of 1. Hen. 8. cap. 4. which enacteth, That in all Actions popular, information shall bee made within three yeares after the offence committed, otherwise to be of no force.

Custom is also used for the tribute or toll that Merchants pay to the King, to carry in and out merchandises, 14. Ed. 3. Stat. 1. cap. 21. in which signification it is called *Customa* in Latine, *Regist. 129. a. 138. a.*

And lastly, for such services as Tenants of a Manor owe unto their Lord, Old booke of Entries, word *Custom*.

Custos Brevium.

Custos Brevium is the chiefe Clerke belonging to the Court of Common Plees, whose office is to receive and keepe all the writs, and to put them upon files, every returne by it selfe, and at the end of every terme to receive of the Prothonotaries all the Records of *Nisi prius*, called the *Possea*. The Custos Brevium also maketh entrie of writs of Covenant, and the concord upon every fine; and maketh out exemplifications and copies of all the writs & Records in his Office; and of all the fines

prescribe un privilege enuers l'entrie le Demaundant & son heire, *Fitz. N. B. 79*. Hors de nostre Estatures vous pois au plus grand diversitie; Il s'ent que ceo semble destre un voier dit, Que prescription est un exception foundue sur taunt temps ale & passe, q le Ley limitta pur le pursuance dascu Actio. Un example poit estre prise hors del Estatute de 1. Hen. 8. ca. 4. q enact, que en tous Actions populars informatio serra fait deins trois ans puis l'offence commit, autrement destre de nul vigour.

Custom est auxy use p le tribute ou tolle que Merchants payeront al Roy de porter eins & hors merchandizes, 14. E. 3. Stat. 1. cap. 21. en quel signification est appel *Customa* en Latine, *Reg. orig. 129. a. 138. a.*

Et denierment, pur riels services q Tenants dun Manor doivent a leur Seignior, Veyel liuef *D'entries, verbo Custom*.

Custos Brevium.

Custos Brevium est le primer Clerke appartenant al Court de Common Plees, l'office de q est de receive & tener tous les Briefes, & mitter eux sur files, chescun Returne per luy mesm; & al fine de chescu terme de recevoir del Prothonotaries tous les Records de *Nisi prius*; appelle le *Possea*. Le Custos Brev. auxy fait entrie des Briefes de Covenant, & l'Accord sur chescun fine; & fait hors exemplifications & transcripts de tous les Briefes & Records en son Office.

The Exposition of

& de tous les fines levie. Les fines puis que ils sont engrossé, les parts de ceo sont divide penter le *Custos Brevium* & l'Chirographer, de que le Chirographer reteigna tous foits oue luy le Brieve de Covenant & le note, le *Custos Brevium* reteina le Concord & pee del fine, sur quel pee le Chirographer causast les proclamations destre indorse quant ils tous sont proclaime.

Custos Rotulorum.

Custos Rotulorum, est celuy q ad le custodie des Rolls ou Records des Sessions del Peace, & come ascuns semble, del Commission del Peace mesme, *Lamb. lib. 4. cap. 3. pag. 373.* Il est routs foits Justice del Peace & *Quorum*, en le Countie ou il ad son Office, & p son Office il est pluistost appel un Officer ou Minister, que un Judge, pnr ceo que le Commission del Peace impose ceo especial Charge per expresse parols sur luy, *Quod ad dies & loca predicta brevia, precepta, processus, & indistincta predicta coram te & districtis Sociis tuis venire facias.*

Custos des Spiritualties.

Custos des Spiritualties est celuy q exercisa le Spirituall & Ecclesiasticall Jurisdiction d'ascun diocesse, durant le vacancie del See; L'appointment de quel per le Ley Canon, apperteinant al Deane & Chapitre, *Ne sede vacante aliquid innovetur:* Mes

levied. The fines after they be ingrossed, the parts thereof are divided betwene the Custos Brevium and the Chirographer, whereof the Chirographer keepeth alwayes with him the writ of Covenant and the note, the Custos Brevium keepeth the concord, and the foot of the fine, upon which foot the Chirographer causeth the Proclamations to be indorsed when they be all proclaimed.

Custos Rotulorum.

Custos Rotulorum is he that hath the keeping of the Rolls or Records of the Sessions of the Peace, and as some think, of the Commission of the Peace it selfe, *Lamb. lib. 4. cap. 3. pag. 373.* Hee is alwayes Justice of the Peace and Quorum, in the Countie where hee hath his office, and by his office hee is rather termed an Officer or Minister, than a Judge, because the Commission of the Peace layeth this speciall charge by expresse words upon him, That hee should cause the Writs, precepts, processe, and indistincts aforesaid; to come and be before him and his fellow Just. at the dayes and places aforesaid.

Gardian of the Spiritualties.

Gardian of the Spiritualties is he that exerciseth the Spirituall and Ecclesiasticall Jurisdiction of any diocesse, during the vacancy of the See; the appointment of whom by the Canon Law, pertainteth to the Deane and Chapter, Lest that the See being vacant, some

some novelty might happen: But in England the Archbishop of the Province hath it by Prescription: Uncore plusours Deanes & Chapiters, come dit Mounseieur Gwyn en le Preface a son Lectures, ceo demaunde per veyes Chartres des Roys de cest terre.

en Anglitterre L'archieuesque del Province ad ceo per Prescription: Uncore plusours Deanes & Chapiters, come dit Mounseieur Gwyn en le Preface a son Lectures, ceo demaunde per veyes Chartres des Roys de cest terre.

Curtellie of England.

Curtellie of England, is where a man taketh a wife seised of free simple, or free talle general, or seised as heirs of the talle special, and hath issue by the wife male or female, be the issue dead or in life, if the wife die, the husband shall hold the land during his life by the Law of England: And it is called Tenant by the Curtellie of England, because that this is not used in any other Realme, but onely in England.

But if an Infant was never heard, or alive, then the husband shall not be Tenant by the Curtellie: yet the hearing is not necessary, for if the issue be borne alive it sufficeth, and the crying of the Infant is but a proove of the life. If the woman be delivered of a Monster, which hath not the shape of mankind, this is not issue in Law: But although the issue hath some deformitie or defect in the hand or foot, and yet hath humane shape, it sufficeth to make the husband Tenant by the Curtellie: And in some cases the time of the birth is materiall, and in some not: And therefore if a man marrieth a woman Inheretrix, who is great with childe by him, and the issue is ripe forth of

Curtellie D'engleterre.

Curtellie D'engleterre, est lou hœe prent feme seise en fee simple, ou fee talle general, ou seise come heire de la talle special, & ad issue per la feme male ou female, soit issue mort ou en vie, si la feme devie, le baron tiendra la terre durant sa vie, per la Ley de Angleterre: Et est appel Tenant per le Curtellie de Anglre, per ceo q̄ ē use on nul auter Royalme, forsque tant seulement en Angleterre.

Mes si l'enfant ne unques soit oyes ou vife, dunque le Baron ne serra Tenaunt per le Curtellie: Uncore le oyer nest necessairie, car si le issue soit nee en vie, ceo suffist, & le cryer del Enfant nest forsque proove del vie: Si la feme soit deliver d'un Mōster, que nad le shape de homes, ceo nest pas issue en la Ley: Mes eoment l'issue ad aucun deformitie, ou defect en le maine ou pee, & uncore ad humane shape, ceo suffist de faire le Baron Tenaunt per le Curtellie: Et en aucun cases, le temps del nestre est materiall, & en aucun nemy: Et pur ceo si home prist feme enheretrix, que est graūment enseint per luy, & l'issue est rippe hors de sa vété en vie,

The Exposition of

ore il ne serra Tenaunt per le Curtesie, car ceo doit commencer per l'issue, & consummate per le mort la feme, & lestare de Tenaunt per le Curtesie vient a toller le immediate descent. Mes si Baron ad issue per sa feme, & puis Terre descend al feme, soit l'issue dunque mort, ou en vie, il serra Tenant per le Curtesie, car le temps del nestre del Issue nest material, si ceo soit en la vie sa feme. Si terres sont dones al feme, & al heires males de sa corps, & el prist baron, & ad issue fila, & morust, le baron ne serra Tenaunt per le Curtesie car l'issue ne poet per aucun possibilite enheriter mesme les Tenements. Auxy come un feme alien, espousant un subject del Roy, ne serra endowe, en mesme le manner un home alien nec, ne serra Tenaunt per le Curtesie.

Auxy si home seisie de Terre en droyt sa feme, soit attaint de Felony, ayant issue, & dunque purchase le pardon le Roy, & puis son feme morust, la il ne serra Tenaunt per le Curtesie: Mes sil ad issue per son feme nec puis le pardon, en tiel case il serra Tenant per le Curtesie.

Cuynage.

Cuynage est un paroll use en lestatute 11.H.7. cap.4. pur le framer de Estaigne en tiel forme come solot de ceo framer, pur le plus apt portage de ceo en auters lieux.

her belly alive, there he shall not be Tenant by the Curtesie, for this ought to begin by the issue, and consummate by the death of the woman, and the estate of the Tenant by the Curtesie ought to avoid the immediate descent. But if the husband hath issue by his wife, and after land descendeth to the woman, be the issue then dead or alive, he shall be Tenant by the Curtesie, for the time of the birth of the issue is not material, if it be in the life of the woman. If lands be given to a woman, & the heires males of her body, and she taketh an husband, & hath issue a daughter, & dyeth, the husband shall not be Tenant by the Curtesie, for the issue cannot by any possibility inherit the same tenements. Also as a woman alien borne, marrying one of the Kings subjects, shall not be endow'd, in the same manner a man alien borne, shall not be Tenant by the Curtesie.

Also if a man seised of land in the right of his wife, be attain'd of felony, having issue, and then purchase the Kings pardon, and after his wife dyeth, there he shall not be tenant by the curtesie: But if he hath issue by his wife, borne after the pardon, in such case he shall be Tenant by the Curtesie.

Cuynage.

Cuynage is a word used in the Statute of 11.H.7. cap.4. for the making up of Tinne into that fashion as it is used to be framed into, for the better carriage of it into other places,

Damage

D

Damage fasant.

DAmage fasant is when a strangers beastes are in another mans ground, without iustfull authorite of licence of the Tenant of the ground, and there doe feed, tread, and other wise spoils the Cozns, Grasse, woods, or such like: In which case the Tenant whom they hurt, may therefore take, distraine, and impound them aswell in the night, as in the day. But in other cases, as for Rent & Services, and such like, none may distraine in the night season.

And this word Damage is used in a more large acceptation than is aforesaid, and is sometime a part of the which the Jurors are to enquire of, in giving their Verdict for the Complainant, or Demandant, in an Action Real, or Personall. For after the verdict given upon the principall matter, they are also asked their Conscience touching Costs, which are the expences of the Suit, & Damages, which containe the hindrance that the plaintife or demandant hath suffered by meanes of the wrong done unto him by the Defendant or Tenant.

And soasmuch as Justice and Reason require, That when the Life, the Credit, the Lands, the Goods, the corruption of Blood, and all that a man hath to losse in this World, are put in perill, without true desert or cause, but only upon the malicious accusation of another by Appoele, that the Appeller should have satisfaction therefore against his false

D

Damage fasant.

DAmage fasant est vant les beaists de un estrange sont en auts terres, sans autoritie loyal ou licence del Tenat d la terf, & la mangerot tread, ou auterment spoylot les Blees, Grasse, Bois, ou tiels semblables: En quel case, le Tenant que ils issint Damage, poit pur ceo pnder, distraine, & impoud eux, cy bien en le nuit, cœ en le jour. Mes e auters cases cœ pur Rent, & services, & tiels sembles, nul poit distraine en le nuit temps.

Et cest parol Damage est prise en un pluis large acceptation q est avantdit, & est ascun foits un part de ceo que les Jurors sot de enquire donat lour Verdict pur le Plaintife, ou Demaundant, en un Action Real, ou Personall. Car puis le verdict done sur le principal cause, ils sont auxy demaund lour Conscience touchant Costs, queux sont les expences del Suit, & Damages, que contene le parde que le plaintife ou demandant ad sustaine per cause del tort luy fait per le Defendant, ou Tenant.

Et entant que Justice & Reason voilont, que quant le Vie, le Credit, les Terres, les Biens, le corruption de son Sanke, & tout ceo que home ad a forfeiter en cest Monde, sont mise en perill sans voier desert, ou cause, mes solement sur le malicious accusation d'un auter p appeale que le appelle averoit satisfaction pur ceo enuers son faux accuser,

The Exposition of

& il nad sufficient, dunque vers luy ou ceux que luy abbetta ou procura de pursuer le Appeale; Pur ceo le Common Ley. donast damages al defendan en un Appeale, & assigne a luy un meane pur le recovrie de eux, quant il fust acquite del Felony, come est 48. Ed. 3. 22. Mes entant que les Damages queux fueront destre recover vers le procurors & abbettors, fueront destre recover per originall Brieife, cestascavoir, per Brieife de Conspiracy, & nient auterment, que ne fust cy curt remedeie, come le heinous degree del tort require, le Statute de Westminster le 2. Anno 13. Ed. 1. cap. 12. pur le pluis subite redresse fuit, ordaine.

Mes si le defendant barre le plaintife de son Appeale, dunque il ne poit recover Damages p le dit Stat. enuers le plaintife, forsque le Barre soit tiel que acquite le Defendand del Felonie: Et pur ceo si le defendant plead, que le appellant est ou Bastard, ou ad un eigne Frere, ou tiels Pleas en Barre, & per eux Barre le Plaintife, uncore il ne recovra Damages vers luy, car le Defendand poit estre endite arere de mesme le Felonie, & attaint nient obstant ascun de ceux Pleas, car per eux le innocence del Defendand nest pas rig, & pur ceo il navera Damages, 27. Aff. Pla. 25. Mesme le Ley est, si le Defendand barre le appellant per Demurrer en Ley: Et issint est, si en Appeale del mort d'un home le Defendand

accuser, and if he hath not sufficient, then against him or them that abbetted or procured him to pursue the appeal; Therefore the Common Law gave damages to the Defendant in an Appeal, & assigned to him a meane for the recovery thereof, when he was acquitted of the felony, as it is 48. Ed. 3. 22. But so far as much as the Damages which were to be recovered against the procurors and abbettors, were to be recovered by originall writs, that is to say, by writ of Conspiracy, and not otherwise, which was not so speedy a remedy, as the heinous quality of the wrong required; the Statute of Westminster the 2. Anno 13. Ed. 1. cap. 12. for the more sudden redress thereof, was ordained.

But if the Defendant barreth the Plaintiff of his Appeal, then he cannot recover Damages by the said statute against the Plaintiff, except the Barre be such an acquitteth the defendant of the felony: And for that if the defendant pleadeth, that the appellant is a Bastard, or hath an elder Brother, or like Pleas in Bar, and thereby barreth the plaintiff, yet he shall not recover Damages against him, for the defendant may be indicted againe of the same felony, and attained notwithstanding any of those Pleas, for by them the innocence of the defendant is not tryed, and therefore he shall not have Damages. 27. Aff. Pl. 25. The same Law is, if the Defendant barreth the Appellant by Demurrer in Law: And so it is, if in Appeals of the death

death of a man the Defendant pleades to the Issue, and it is found by verdict that he killed the man in his owne defence, or by chancedeath, in these cases he shall not recover Damages.

But if the Defendant in Appeal hath the release of the Appellant, or the Kings pardon, and will waite them & plead not guilty, and is acquitted, in this case he shall recover Damages.

And it is to be noted that this word Damage is taken in the Law in two severall significations, the one properly and generally, the other strictly and relatively, properly as it is in cases where damages are founded upon the Statute of 2. H. 4. cap. 1. and 3. H. 6. cap. 9. where costs are included within this word Damages, for Damnum in it's proper and generall signification is said, *à demendo*, when a thing by diminution is made worse, and in this sense costs of suit are damages to the Plaintiff, for by them his substance is diminished: But when the Plaintiff declareth the wrong done to him to the damage of such a summe, this is to be taken relatively for the wrong which is passed before the Court brought, and are assessed by reason of the Trespass almesaid, and cannot extend to costs of Suit which are future. And of another nature, See Coke lib. 10. fol. 116. 117.

Danegeld.

Danegeld, that is, to be quit of a certaine custome which hath run sometimes, which the Danes did leve in England.

This began first in the time

plead al issue, & est troue per verdict que il occide le home en son defence demesne, ou per misadventure, en ceux cases il ne recouvrera Damages.

Mes si le Defendant en Appeal ad le release del Appellant, ou le pardon le Roy, & voile eux waiver & plead nient culpable, & est acquite, en cest case il recouvrera Damages.

Et est asavoir que cest parol damna est prise en la Ley en deux severall significations, l'un properment & generalment, l'auter relative & stricte, properment come est en cases ou damages sont foundue sur le Stat. de 2. H. 4. c. 1. & 3. H. 6. cap. 9. ou costs sont enclude deins cest parol damage, car *Damnum* en son proper & general signification, *Dicitur à demendo, cum diminutione res deterior fit*, & en cest sence costs de suit sont damage al Plaintiff, car per eux *res sua* diminue. Mes quant le Plaintiff montre le tort fait a luy a damage de tiel summe, cest est de stre prise relative pur le tort que est passé devant le Briefer port, & sont assésse *occasione transgressionis predictæ*, & ne poit extender al costs de Suit que sont future, & d'un auter nature, Vcies Coke lib. 10. fol. 116. 117.

Danegeld.

Danegeld, hoc est, quietum esse de quadā consuetudine quæ currit aliquo tempore, quā quidam Dani levaverunt in Angliā,

Ceo commence primerment en

The Exposition of

en temps le Roy *Etheldred*, quel esteant en grand distresse per le continual envasion de les Danes pur purchaser paix, fuit compell' de charge son pais & people oue importable painéts, car il primerment done eux al cinque severall painéts 113000. li. & puis grant al eux 48000. li. annualment.

Darreine presentment.

DArreine presentment, Assise d' ceo gift ou jeo ou mon aunesstors ad p'sent un Clerk, al un esglise & puis le Esglise esteant voyde per le mort del dit Clerke ou autrement, un estranger present sont Clerke al mesme Esglise en disturbance de moy: Et coment ceo est autement use, Veies *Bracton lib. 4. Tract. 2. Register Orig. fol. 30.* Si Baron & feme present al Advowson, en droit la femme, que est appendant al Mannor la feme, & puis le baron alien un acre, parcel del Mannor oue le advowson en fee a un estranger, & devie, & puis le estraunger presenta, & puis alien le acre a un auter en fee savaunt le advowson a luy mesme, & puis le Esglise voida, ore la feme presentera, & sel soit disturbe el avera Assise de Darraine Presentment, pur ceo que l'advowson fuit sever del acre; Mes si l'advowson fuit appendant al acre, donque covient al feme a recover le acre avant que el presentera al advowson, *Fitzherb. Natura Brevium, 320*

Deane & Chapter.

DEane & Chapter est un corps Corporate spirituall, consi-

of King *Etheldred*, who being sore distressed by the continuall invasion of the Danes, to purchase peace, was compelled to charge his Countrey and people with importable payments, for he first gave them at five severall payments 113000. li. and afterwards granted them 48000. li. yearly.

Darreine presentment.

DArreine presentment, an Assise thereof lyeth where 3 or more Ancestors have presented a Clerk to a Church, & after the Church being void by the death of the said Clerk or otherwise, a stranger presenteth his Clerk to the same Church in disturbance of mee: And how it is otherwise used, See *Bract. l. 4. tract. 2. Reg. Orig. fol. 30.* If husband and wife present to an advowson, in right of the wife, which is appendant to the Mannor of the wife, and after the husband alieneth an acre, parcel of the Mannor, with the advowson in fee to a stranger and dyeth, and after the stranger presenteth, & then alieneth the acre to another in fee, saving the advowson to himselfe, & after the Church is void, there the wife shall present, and if she be disturbed she shall have an Assise of Darreine Presentment, because that the advowson was severed from the acre. But if the Advowson was appendant to the acre, then the wife ought to recover the acre before shee presenteth to the advowson, *Fitz. Nat. Brevium, 320.*

Deane and Chapter.

DEane and Chapter is a body Corporate spirituall, consist-

ing of many able persons in Law, as namely the Deane (who is chiefe) and his Prebends, and they together make this Corporation, And as this Corporation may joyntly purchase Lands and Tenements to the use of their Church and Successors; So likewise every of them severally may purchase to the use of himselfe and his heires.

And as there are two foundations of Cathedral Churches in England, the old and the new, (the new are those that King Henry the eight upon suppression of Abbeyes, transformed from an Abbot, or Prior and Covent, to Deane and Chapter) so there are two meanes of Creation of these Deanes, for these of the old foundation are brought to their Dignitie like unto Bishops, the King first sending out his Congee deslire to the Chapter, the Chapter then chusing, the King yeelding his Royall assent, and the Bishop confirming him, and giving his mandate to install him. Those of the new foundation are by a shorter course installed by the Kings Letters Patent without other election or confirmation.

This word is also applyed to divers that are the chiefe of certaine peculiar Churches or Chappels, as the Deane of the Kings Chappell, the Deane of the Arches, the Deane of Saint Georges Chappell in Windsor.

Debet & Solet.

DEbet & Solet, these words are used in the old *Natura Breviū*, fol. 98. the word of *Secta molendi*

stant de plusieurs able persons en Ley, come mesmeint de Deane (que est principall) & ses Prebends, & ils ensemble font le Corporation. Et sicome cest Corporation payent joyntment purchase terres & tenements al use d'lour Esglise & successeurs; issint auxy chescun de deux severalment, poit purchase al use de luy & ses heires.

Et si come la sont deux foundations Desglises Cathedrall en Angleterre, le veiel & le novel (le novel sont ceux queux le Roy Henry le huit sur suppression Dabbies transforme de Abbot ou Prior & Covent, al Deane & Chapter) issint la sont deux meanes del Creation de ceux Deanes, car ceux del veiel foundation sont conferre a leur dignitie semble al Evsques, le Roy primerment mittant hors son Congee De'slire al Chapter, le Chapter donque esliant, le Roy rendant son Royal assent, & Levesque luy confirmant & donnant son Mandate de luy installer. Ceux del novel foundation sont per un voy plus curt enstalle per les Letters Patents del Roy sans autre election ou Confirmation.

Cest parol est auxy apply aux divers que sont les primers de certaine peculiar Esglises ou Chappels, come le Deane del Chappel del Roy, le Deane del Arches, le Deane del Chappel de Saint George en Windsor.

Debet & Solet.

DEbet & Solet, ceux parols sont use en le viel *Natura Breviū*, fol. 98. le Briefe de *Secta molendi*

The Exposition of

molendini esteant en le *Debet & Solet* est un Brieſe de droit, &c. & arere, fol. 69. Un Brieſe de *Quod permittat*, poit eſtre plead en le Countie devant le Viſcount & poit eſtre en le *Debet & Solet* ou le *Debet* ſolement come le demaundant claime. Pur que nota, que ceux Brieſe que ſont port en tiel ſort, ont ceux parolx en eux, come formal parolx, ni-ent deſtre omit.

Et accordant al diverſitie del caſe le *Debet & Solet* ſont uſe ou le *Debet tantum*; & eoe ſi home per Brieſe ſue de recoverer aucun droit de que ſon Anceſtor fuiſt diſſeiſe per le Tenaunt ou ſon Aunceſtor, donque il uſe ſolement le parol *Debet* en ſon Brieſe, & neſt apr de uſer *Solet*, pur ceo que ſon Aunceſtor fuiſt diſſeiſe, & le uſage diſcontinue, mes ſil ſue pur alcun choſe que eſt primerment denie a luy, donque il ad ambideux ceux parolx *Debet & Solet*, pur ceo q ſes Anceſtors devant luy, & luy meſme ount uſualment enjoy l'choſe p que il fuiſt, come luit al Molin, ou Common de Paſſure jeſque ceſt preſent reſuſal del Tenaunt, *Regiſt. orig. Fol. 144. a.*

Debet & Detinet.

DEbet & Detinet, mult poit eſtre dit de ceux parolx que ad eſtre dit des parolx prochaine adevant: Come ſi home ſoyt oblige a un autre, & fait ſon Exeute, & moruſt, & l'argent fuiſt due en le temps del Teſtator, & apres L'ex-ecuteur ceo ne rendra pas, la L'action poit vers luy, pur ceo

dini, being in the *Debet and Solet*, is a Writ of Right, &c. And a- gaine, fol. 69. a writ of *Quod permittat*, may be pleaded in the Countie before the Sheriffe, and may be in the *Debet and Solet*, or the *Debet* onely, as the De- mandant claimeth. Wherefore note, That thoſe writs that are brought in ſuch ſort, have theſe words in them, as formall words not to be omitted.

And according to the diverſitie of the caſe, the *Debet and Solet* are uſed, or the *Debet* onely; as if a man by writ ſueth to recover any right whereof his Anceſſour was diſſeiſed by the Tenant or his Anceſſour, then he uſeth on- ly the word *Debet* in his writ, and it is not apt to uſe *Solet*, be- cauſe that his Anceſſour was diſ- ſeiſed, and the cuſtome diſconti- nued; but if he ſueth for any thing that is firſt demped unto him, then he hath both theſe words, *Debet & Solet*, becauſe that his Ance- ſſour before him, and himſelfe have uſually enjoyed the thing for which he ſueth, as Suit to the Mill, or Common of Pa- ſture, untill this preſent reſuſal of the Tenant, *Regiſt. Orig. fol. 144. a.*

Debet & Detinet.

DEbet & Detinet, much may be ſaid of theſe words, that have bene ſpoken of the words next afore: As if a man be bound to another, and maketh his Exeutor and byeth, and the money groweth due in the time of the Teſtator, and afterward the Exeutor payeth it not, the Action brought againſt him there- fore,

foze, shall be in the Detinet onely, and so in all Actions brought by Executors as Executors, the writt shall be in the Detinet onely, although the date accrued in their owne time, because that the thing or damages recovered, shall be Assets.

And if Lessee for yeares rendering Rent, makes his Executors, and dyeth, and the Rent encurreth after the death of the Tenant, there an Action of Debt shall be brought in the Debet & Detinet: for When an Executor or Administrator taketh the profits, nothing shall be Assets but the profits above the Rent: As if the Land is worth ten pound by the yeare, and the pound is reserved, in this case nothing shall be Assets but the five pound above the Rent, and therefore the writt shall be for the Rent in the Debet & Detinet, Coke lib. 5. fol. 31.

Decies tantum.

Decies tantum is a writt, and lyeth where a Juror in any Enquest taketh money of the one part or other to give his verdict, then he shall pay ten times as much as he hath received, and every one that will sue may have Action, & shall have the one halfe, and the King the other halfe.

And if the King in such case release by his pardon to such a Juror, yet that shall be no bar against him that bringeth the Action, but that hee shall recover the other halfe, if his Action be commenced before the pardon of the King, but if the pardon be before any Action, it is a bar against all men.

And the same Law is of all o-

serra en le Detinet tantum; & issint en tous Actions port pet. Executors come Executors le Briefe serra en le Detinet tantum, coment que le durie accrue en leur temps demesne, pur ceo que le chose ou damages recovered serra assets.

Mes si Lessee pur ans rendant Rent, fait ses Executors, & mourust, & le Rent incurre puis le mort del Testatour, ore Action de Debt seif port en le Debet & Detinet: Car quant Exécuteur ou Administrator prist les profits, rien serra assets mes les profits ouster le Rent: Come si le Terre vault dix liuers per an, & cinque liuers est reserve, en cest case rien serra assets forsque le cinque liuers ouster le Rent, & pur ceo le Briefe serra pur l'Rent en le Debet & Detinet, Coke lib. 5. fol. 31.

Decies tantum.

Decies tantum est un Briefe, & gist lou un Jurour en ascu Enquest prist Argent d'un partie ou d'auter, pur done son verdict, dōques il payera dix folts a tant q il ad receive; Et chescū que voyle suer puit aver le Action, & avera l'un moitie, & le Roy l'auter moitie.

Mes si le Roy en tiel Case release per son pardō a tiel Jurour, uncore ceo ne serra barre vers cestuy que port l'Action, mes que il recoversa l'auter moitie, si son Action soit commence devant le pardon le Roy, mes si le pardon soit devant aucun action, il est barre encoūter tous gens.

Et mesme le Ley est de tous Actions

The Exposition of

ACTIONS populaires lou un part est al Roy, & l'autre al partie que suera. Auxy les embracers que procurent tiels enquests, seront puney en mesme le manner : & ils averont imprisonment de un an. Mes nul Justice enquirera de ceo de Office, mes solement al suite del partie.

Deciners.

Deciners sont tiels queux soyoyent daver le survey & checke de dix friburge pur le maintenance del peace le Roy, & les limits ou circuit de leur jurisdiction fuit appel *Decenna*, *Bract. lib. 3. tract. 2. c. 15.* Auxy poyes lier *Fleta lib. 1. cap. 27.* Et auxy le *Regist. Orig. fol. 68. b.*

Ceux semble daver grand authorite en le temps des Saxons, prestant conusans de causes deins leur circuit, & reformant torts per voyde judgemēt come poyes lyer en les leyes del Roy *Edowart*, publie per Monsieur *Lambert*, num. 32. Auxy la est mention fait de ceux en *Britton cap. 12.* que dit en le person le Roy, (come il escria tout son liure) en tiel manner. Nous voilomus que tous tiels que sont 24. ans d'age, fairōt seremēt q̄ ils serrōt sufficiēt & loyal a nous, & q̄ ils ne voilēt estre larōs, ne assentant a Laron, & q̄ routs soyent professe destre de ceo ou tiel dozeine, & faire ou offer bayle de leur behavior p̄ ceux ou ceis Deciners, exceptant Religious persons, Clerkes, Chivalers, & leur eigne Fitz & Femmes. Uncore mesme le Authour en son 29. Chap. procheine al fine dit,

ther Actions popular, where one part is to the King, and the other to the party that sueth. And the Embracers which procure such Enquests, shall be punished in the same manner, and they shall have the imprisonment of a yeare, but no Justice shall enquire thereof of Office, but onely at the suit of the partie.

Deciners.

Deciners are such as were wont to have the oversight and command of ten free burges for the preserving of the Kings peace, and the limits or circuit of their jurisdiction was called *Decenna*. *Bract. lib. 3. tract. 2. c. 15.* Also you may reade *Flet. lib. 1. cap. 27.* And also the *Regist. Orig. fol. 68. b.*

These seemed to have large authority in the Saxons time, taking knowledge of causes within their circuit, & redressing wrongs by way of judgement. as you may reade in the Lawes of King Edward set out by *M. Lambert*, num. 32. Also there is mention of these in *Britton cap. 12.* who saith in the Kings person, (as he writeth his whole Booke) in this manner. We will that all such as are fourteene yeares of age, shall make oath, That they shall bee sufficient and loyall unto Us, and that they will not be felons, nor assenting to felons, and that all bee professed to bee of this or that Dozeine, and make or offer suretie of their behabour, by these or those Deciners, except Religious persons, Clerkes, Knights, and their eldest sons and women. Yet the same Authour in his 29. Chap. neere the end, saith, That all at the

The age of twelve years or above, are punishable for not coming to the Sherifes Cozne, excepting, Carles, Prelates, Barons, Religious persons, and women, *Stamf. Pl. Col. fol. 37. fourth of Fitzherbert*, hath these wordes:

The same Law is, where the Deciners make presentment, that a felon is taken for theft, and delivered to the Sherife. And Kit. out of the Register, and Brit saith thus, Religious persons, Clerks, Knights, or women, shall not be Deciners, *fol. 33.* From whence it may be gathered, that this word implieth nothing else but such a one as by his oath of loyalty to his Prince, is settled in the combination or society of a Dozeine, for it is not usuall at this day to finde surety so to do: And now a Dozeine seemeth to extend so farre as the Law extends, because that in Laws onely this oath is administered by the Steward, & taken by such as are of the age of twelve years and upward, dwelling within the Precinct of the Law where they are sworn, *Fitz. N. B. 161. a.* The particulars of this oath you may reade in *Bract. lib. 3. tract. 2. c. 1. num. 1.* in these wordes, Which finished, (that is, the commission of the Justices being read and the cause of their meeting being shewed) The Justices ought to convey themselves in some private place, and calling unto them foure or six, or more of the chiefe of the County, which are called *Busones Comitatus*, at whose dispose the Actions of others do depend, and let the Justices discusse the matter amongst them, and shew how that by

*Que tous al age de 12. ans & de-
suis, sont punishable pur nient
vener al Tourne de Viscount, ex-
ceptant Countees, Prelates, Ba-
rons, Religious persons, & fe-
mes, Stamf. Pl. Cor. fol. 37. hors de
Fitzherbert ad ceux parols.*

Mesme le Ley est ou les Deciners sont presentmt, Que un Laron est prise pur Larcenie, & deliver al Viscount. Et *Kit.* hors del *Regist.* & *Brit.* issint dit, Religious persons, Clerks, Chivaliers, ou femmes ne seront Deciners, *fol. 33.* Hors de quel poyt estre Collect, Que cest parol oriens auterment implie, mes tiel que per son serement de loyaltie a son Prince, est settle en le Fraternitie ou Societie d'un Dozeine, car nest usual a cest jour de trover suretie issint a faire: Et james un dozeine semble d'extender cy taunt come le Leete extenda, pur ceo que en Leets solemt cest serement est administer p le Seneschal, & prise p tiels q sont d age d douze ans, & desuis, recidant deins le compasse del Leete ou ils sont jurus, *Fitz. Nat. Br. 161. a.* Les particulars de cest serement poyes Iyer en *Bract. lib. 3. tr. 2. c. 1. nu. 1.* en ceux parols, *Quibus propositis* (c' l' en commission des Justices esteant lie, & le meistre de lour venue esteant monstre) *debent iusticiarii se transferre in aliquem locum secretu, & vocatis ad se quatuor, vel sex, vel pluribus de majoribus de Comitatu qui dicuntur Busones Comitatus, & ad quoru nu-
m dependent vota aliorum, & sic inter se tractatum habeant iusticiarii ad invicem & ostendant qua-
liter*

The Exposition of

liter à Domino Rege & ejus Concilio provisum sit, Quod omnes tam milites quam alii qui sunt quindecim annorum, & amplius, jurare debent, Quod utlagatos, murtherores, robbatores, & burglatores, non receptabunt, nec eis consentient, nec eorum receptatori-bus, & si qui tales uoverint, illos attachiari facient, & hoc vice comiti & ballivis suis monstrabunt, Et si hutesium vel clameum de tali-bus audierint, statim audito cla-more, sequantur cum familia & hominibus de terra sua. Et cy Bra-cton mitta eins quindix ans pur le age de ceux que sont jurus al peace le Roy, mes lib 3. traft. 2. c. 11. num. 5. il nosme douze ans. Veies Inlaugh.

Hors de queux premisses poyt estre observe le diversitie peren-ter le ancient & ceux de nostre temps en cest poynt de Ley & gouvernemt, cybien pur le age de ceux que sont destre jure, come auxy, q Deciner nest jammes use pur l' primer hoc d'un Dozeine, mes pur luy q est jure al peace le Roy. Et deniermt q jammes la ne sont ascun Dozeines, forsque Leets, & q nul home comunemt done aurer securitie pur garder le peace de Roy, mes son seremt demesne, & que pur ceo nul res-pondera pur l'offence d'un au-ter, mes chescun per luy m.

Declaration.

Decларation est un monstrence en escript, de le grieve & complaint de le Demaundant ou plaintife envers le Tenaunt ou Defendant, en que il suppose de aver receive tort, & cest Decla-ration doit este playne & cer-

their Lord the King and his Coun- cell, it is provided, That all, as well Knights as others, which are fifteen years old & above, ought to swear, That they shall not receive Out- lawes, murderers, robbers, or burg- larers, nor shall consent unto them, nor their receivers, & if they know any such, they shall attach them, and declare it to the Sherife & his Baylives; And if they shall hear a- ny hue or cry of any such, they shal therupon make present pursuit with their servants and family. And here Bracton putteth downe fifteen years for the age of those that are sworne to the Kings Peace, but lib. 3. traft. 2. cap. 11. num. 5. he na- meth twelve peakes. See In- laugh.

Fourth of which premisses may be observed the difference between the ancient and these our times in this point of Law and govern- ment, as well for the age of those that are to be sworne, as also that Deciner is not now used for the chiefe man of a Dozein, but for him that is sworne to the Kings peace. And lastly, that now there are not many Dozeins, but Leets, and that ordinarily no man giveth other security for keeping the Kings peace, but his owne oath, and therefore no one shall answer for the transgression of another, but every one for himselfe.

Declaration.

Decларation is a shewing in writ- ting of the grieve & complaint of the demandant or plaintife, a- gainst the tenant or defendant, wherein he supposeth to have re- ceived wrong, and this declarati- on ought to be plain and certain, both

both because it impeacheth the Defendant or Tenant, and also compelleth him to make answer thereto. But note that such declaration made by the Demandant against the Tenant, in an Action real, is properly called a Count.

Note that the Count or Declaration ought to containe Demonstration, Declaration and Conclusion. And in Demonstration are contained three things, (that is to say) who him complaineeth, and against whom, and for what matter, and in the Declaration there ought to be comprised, how and in what manner the Action rose between the parties, and when, and what day, yeare, and place, and to whom the action shall be given.

And in the conclusion, he ought to averre and proffer to prove his Suit, and shew the Damage which he hath sustained by the wrong done unto him.

Dedimus potestatem.

Dedimus potestatem is a writ, and it lieth where a man sueth in the Kings Court, or is sued, and may not well travell, then he shall have this writ directed to some Justice, or other discreet person in the Countrey, to give to him power to admit some man for his Attorney, or to levy a fine, or to take his confession, or his Answer, or other Examination, as the matter requireth.

Defamation.

Defamation is when a man speaketh slanderous words of any other man, Court of Justice, Magistrate or Title of Land: and hereupon the party shall be

taine, pur ceo que il impeach le Defendant ou Tenant, & auxy chasc celuy a responder. Mes nota, que Declaration fayt per le Demandant vers le Tenant en Action Real, est proprement appel un Count.

Nota, Que le Counte ou Declaration doyt conteyne Demonstration, Declaration, & Conclusion. Et en Demonstration sont conteynes troys choses, (cest adire) que le pleynte, & envers que, & de quel chose, & en le Declaration doyt estre comprise, comment, & en quel manner le cause del Action surdit enter les parties, & quant & quel jour, an, & lieu, & a que l'action sera done.

Et en perclose, il doyt averre & proffer de Prover son Suite, & monstra les Damages queux il susteyne per le tort a luy fayt.

Dedimus potestatem.

Dedimus potestatem est un briefe, & gist lon un home sua en le Court le Roy, ou est sue, & ne puit bien traveyler, donques il avera cest briefe direct a ascun Justice, ou auter discrete pson en le payes, de donner a luy power pur admitte ascun pur son Atturñ, ou de levie Fine, ou de prender son Confessio, ou son Respós, ou auter Examination, come le matter require.

Defamation.

Defamation est quauant home parle scandalous parols de ascun auter home, Court de Justice, Magistracie, ou Title de Terre: Et sur ceo le partie sera

The Exposition of

ra punie accordant al nature & qualitie de son offence: Ascun foits en le Starchamber, ascun foits per Action sur le Case, pur Slaunder, al Common Ley, & auter foites en le Court Christian. Come si home controve ascun faux novels, & horribles & faux Mesloinges de Prelates, Dukes, Counts, &c. donque un Action *De Scandalis Magnatum* gisera vers luy, per le Statute de 2. Rich. 2. cap. 5. & ceo esteant prove, le partie offendant serra grieviusment punie. Mes pur parols de Defamation vers un private home, la le partie grieve avera son Action sur le Case, pur le Slaunder, & recouvrera en Dammages, accordant al qualitie del Peche, en que le qualitie del person que est isint defame est destre fort confidre.

Mes pur Defamations determinable en le court Christian, ils covient de aver trois incidents: Primerment, covient concerne matter merement Spiritual, & determinable en le Ecclesiastical Court, come pur appeller luy Heritique, Schismaticque, Advouterer, Fornicator, &c. Secunderment, que il concerne matter merement Spiritual solement: Car si tiel Defamation concerne ou touche ascun chose determinable al Common Ley, le Ecclesiastical Judge navera conusans de ceo: Come si un Divine est destre present a un Benefice, & un a defeater luy de ceo, dit al Patron, Que il est un Heritique, ou un Bastard, ou que il est excommenge, per que le Pa-

punished according to the nature and quality of his offence: Sometimes in the Starchamber, sometimes by Action upon the Case for slander, at the Common Law, and other times in the Ecclesiastical Court. As if a man contrive any false newes, or horrible and false lies of Prelates, Dukes, Earles, &c. then an Action *De Scandalis Magnatum* will lie against him, by the Statute of 2. Rich. 2. cap. 5. and this being proved, the party offending shall be grievously punished. But for words of Defamation against a private man, there the party grieved shall have his Action upon the Case for the Slander, and shall recover in Damages, according to the quality of the fault; wherein the quality of the person who is so defamed, is much to be considered.

But for defamations determinable in the Spiritual Court, they ought to have three incidents: First, it ought to concerne matter merely Spiritual, and determinable in the Ecclesiastical Court, as for calling him Heretique, Schismaticque, Adulterer, Fornicator, &c. Secondly, that it concerneth matter merely Spiritual onely: For if such Defamation concerne or touch any thing determinable at the Common Law, the Ecclesiastical Judge shall not have Conusance thereof: As if a Divine is to be presented to a Benefice, and one to defeat him thereof, saith unto the Patron, that he is an Heretike, or a Bastard, or that he is excommunicated, whereby the Patron

Patron refuseth to present him, and he loseth his preferment, he shall have an Action upon the Case, for these defamations, tending to such an end. Also if a woman be bound that she shall live continent, and chaste, or if a Lease be made to her so long as she shall live chaste; in these cases Incontinencie shall be tried by the Common Law. Thirdly, although that such Defamation be merely Spiritual, and onely Spiritual, yet he that is defamed, cannot sue there for amends, or Damages, but the suit ought to be onely for punishment of the fault, for the Soules health of him that so offendeth.

And as for the slander of a Ecclesiasticall Land; if A. say that B. hath right in the Lands of C. whereby C. is damaged, then he may have an Action upon the Case, for the Defamation of his Title against A. and although B. hath a colourable Title, yet A. shall be punished; forasmuch as he hath taken upon him knowledge of the Law, and meddled in a matter which concerned him not. But if a man saith, that he himselfe hath right to the Land of another, in this Case no Action for Defamation lyeth, although he knoweth that his Title is false, Coke lib. 4. fol. 18.

Defeifance.

Defeifance is a condition relating to a Deed, as an Obligation, Recognifance, or Statute, which being performed by the obligor or recognisor, the act is disabled and made void as if it had never bene done. And there

tron refuse a presenter luy, & il parde son preferment, il avera Action sur le Case, pur ceux Defamations tendant a tiel fine. Auxy si feme soit oblige, que il vivera continent, & chaste, ou si Lease soit fait a luy *Quamdiu casta vixerit*, en ceux cales incontinencie serra trye per le Common Ley. Tiercement, coment que tiel Defamation soit merement Spiritual, & seulement Spiritual, uncore cestuy que est defame, ne poit suer la pur amends, ou Damages, mes le Suit covient estre seulement pur punishment del peche, *pro salute anime* cestuy que issint offend.

Et quant a l'slander d'un Title al Terre, si A. dit que B. ad droit en les Terres de C. per que C. est damniee, dunque il poit aver Action sur le Case, pur le Defamation de son Title vers A. Et nient obstant que B. ad un colourable Title, uncore A. serra punie, entant que il ad imprise sur lui notice del Ley, & intromit en un matter que ne luy pas concerna. Mes si home dit, que il mesme ad droit al Terre de un auter, en cest case nul Action pur Defamation gist, nient obstant que il conuist que son Title est faux, Coke lib. 4. fol. 18.

Defeifance.

Defeifance est un Condition que relate a un Fait, come a un Obligation, Recognifance, ou Statute, q' estant performe per le obligor ou recognisor le act est disable & fait voyde si come sil ne unques pas ad estre fait.

The Exposition of

fait. Et la est nul garrantie, recognissance, rent charge, annuïtie, covenant, lease pur ans, use al Common ley, ou tiels semblables: mes que ils poyent per un defeasance fait ove l' mutual cōsent de tous ceux q̄ fueront parties a le creation de eux per fait estre ad nul discharge & defeat. Et l' difference perenter un proviso ou condition en fait, & un defeasance est en ceo, Que le proviso ou condition est annexe ou encert en le fait ou grant, ou un defeasance est usualmt un fait p̄ luy meisme conclude & agree perenter les parties, & ayant relation a un autre fait & grant.

Et pur ceo si le condition de un obligation soit repugnant al fait, le condition est voyd & le obligation bone, come si le condition soit q̄ il ne suera obligation, ceo est voyde, auxibien come est d̄ un feoffment sur condition que le feoffee ne p̄ndra my les profits, mes un defeasance est un grant q̄ est fait apres le obligation pur defeater in le obligation, & ceo ē bone com̄t que il soit repugnant, & issint nient semble a un condition, 21. Hen. 7. fol. 24. b. Pur le forme & maner de Defeasances accordant al diversitie del case vies, *West. part. 1. Symb. lib. 2. sect. 230, 231, & c.*

Defendant.

Defendant est celuy q̄ est sue ē action Personel, & est appel Tenaunt en un Action Real.

Defence.

Defence est ceo que le Defendant doyt faire immediatemt apres le Count ou Declaration fait cest adue, q̄ il defenda tout

is no warrantie, recognissance, rent charge, annuïtie, covenant, lease for yeares, or such like: but that they may by a defeasance made with the mutuall consent of all those which were parties to the creation thereof, by deed be admitted, discharged, and defeated. And the difference betwene a proviso or condition in deed, and a defeasance is in this, That the proviso or condition is annexed or inserted in the deed or grant, where a defeasance is usually a deed by it selfe concluded and agreed on betwene the parties, and having relation to another deed or grant.

And therefore if the condition of an obligation be repugnant to the deed, the condition is void and the obligation good, as if the condition be that he shall not sue the obligation, this is void as well as it is of a feoffment, upon condition that the feoffee shall not take the profits, but a defeasance is a grant that is made after the obligation, to defeat the same obligation, and this is good although it be repugnant, and so not like a condition, 21. H. 7. fol. 24. b. For the forme and manner of Defeasances according to the diversitie of the case, See West. part. 1. Symb. l. 2. Sect. 230, 231, & c.

Defendant.

Defendant is he that is used in action Personall, and he is called Tenaunt in an action Real.

Defence.

Defence is that which the Defendant ought to make immediately after the Count or Declaration made, that is to say, That he

he defendeth all the wrong, force, and damage, where and when he ought, and then to proceed further to his plea or to imparle.

And note, that inso much that he defendeth the force and wrong, he doth excuse himselfe of the wrong against him furnished, and maketh him party to the plea, & inso much that he defendeth the damage, he affirmeth the partie plaintiff able to be answered unto.

And for the residue of the defence, he accepteth the power of the Court to heare and determine their pleas of this matter. For if he will plead to the Jurisdiction, he ought to omit in his defence these words (ou & quant il de vera :) and if he will shew any disability in the plaintiffe, and demand judgement if the party shall be answered unto, then he ought to omit the defence of the damage.

Defendemus.

Defendemus is an ordinarie word in a feoffment or donation, and hath this force, that it bindeth the donor and his heires to defend the donee if any man go about to lay any servitude upon the thing given, other then is contained in the donation, *Bracton, lib. 2. ca. 16. num. 10.* See also *Warrantizabimus.*

Deforceor.

Deforceor is he that overcome with force, and he differeth from a disseisor, first in this, that a man may disseise another without force, which he is called simple disseisin, *Britton, cap. 33.* then because a man may deforce another that never was

le tort, force, & damage, lou & quant il de vera, & donques de proceed ouster a fort plee, ou de imparler.

Et nota, que entrant que il defend tort & force, il se excuse del tort vers luy surmise, & fait se partie al plee, & per tant que il defende les Damages, il affirme le partie plaintiffe able deste respondue.

Et per le residue del defence, il accept le power del Court de Oyer & Determiner les pleges de cel matter. Car sil voile pleader al Jurisdiction, il doit omettre en son defence les parols (ou & quant il de vera :) & si voile monstre aucun disability en le plaintiffe, & demande judgement si le partie serra respondue, donques il doit omettre le defence del damage.

Defendemus.

Defendemus est un usual parol en un feffement ou donation, & ad cest force, que il lia le doner & ses heires a defender le donee si aucun home endeaver de imposer aucun servitude sur le chose done, auter que est contene en le donation, *Bracton, lib. 2. cap. 16. num. 10.* Veies auxy *Warrantizabimus.*

Deforsour.

Deforsour est celuy que prevaile & iect hors ove force, & il differt d'un disseisor, primerment en ceo que home poit disseise un auter sans force, quel Act est appel simple disseisin, *Brit. cap. 33.* donque p ceo que hœe poit deforce un autr que ne

The Exposition of

unques fuit en possession, come si plusors ont droit al terres come common heires. & un ti-ent eux hors, le ley dit, que il eux deforce nient obstant que il ne eux disseisa pas, *Viell. Nat. B. fol. 118.* Si tenant en taile fait feoffement en fee p que le fessce est eins, & puis le tenant en taile morust, & son issue suist bñe de *Formdon* envers le feoffee, le brieve dirra & auxy le count, &c. q le fessce a tort luy deforce, &c. comt q il ne luy disseisa, pur ceo que il enf en le vie le tenat en taile, & le heire ad nul present droit, *Little. fol. 138.* Et un deforfor differt de un intrudor, pur ceo que un deforfor tient hors le droit heire come avant-dit, & home est fait un intrudor per son tortious entrie solement en terres ou tenements void d un possessor, *Bract. lib. 4. cap. 1.*

Et pur ceo que force & forcible entrie en terres est cy opposite al peace & justice del Royalme, & dishonor del Roy & son Corone & le scandal de le Ley, que ascun person per nestre & serement devote al obedience del Roy & ses Leyes, presumera de son autoritie per force & fortmaine de resister eux ambideux per violent entru- sion en le possession d'un aut devat le Ley ad decid son title en ceo, pur ceo divers Statutes ont estre faits p le restraint & reformation de ceux abuses, como enter auters le Statute de *5. R. 2. cap. 7.* ou le Roy defend ascun entrie en terres ou tenements; mes en case ou entrie est done per le Ley, & donque ne-

in possession, as if many have right to lands as common heires, and one keepeth them out, the Law saith, That he deforceth them al- though that he never disseised the, *Old Nat. Br. fol. 118.* If Tenant in taile maketh a feoffment in fee by which the feoffee is in, and afterwards the tenant in taile dieth, and his issue sueth a writ of Formdon against the feoffee, the writ shall say, & also the count, &c. that the feoffee of wrong deforced him, &c. although he did not disseise him, because that he entered in the life of the tenant in taile, and the heire had no present right, *Little. fol. 138.* And a deforcor differeth from an intrudor, because that a deforcor keeps out the right heire as aforesaid, and a man is made an intrudor by a wrongfull entrie gaily in lands or tenements void of a possessor, *Bract. lib. 4. cap. 1.*

And because that force and forcible entrie into lands is so opposite to the peace & justice of the Realm, & the dishonor of the King and his Crowne, and discredit of the Law, that any person by birth and oath deboted to the obedience of the King and his Law, should presume of his owne authority by force & strong hand to resist them both by violent intrusion into the possession of another, before the Law hath decided his Title therein, therefore divers Statutes have been made for the restraint and reformation of these abuses, as amongst others the Statute of *5. R. 2. c. 7.* where the King defendeth any entry into lands or tenements; but in case where entry is given by the Law, and then not
With

with strong hand, or with a multitude of people, but only in a peaceable manner. See more of this in Poult. de Pace Regis, fol. 34. 35. &c.

Demaundant.

DEmaundant is he that sueth or complaineth in an action Real for title of land, and he is called plaintife in an Assise, and in an action personal, as in an action of debt, trespass, detent, detinue, & such like.

Demaines.

Demaines, or Demesnes, generally speaking according to the Law, be all the parts of any Manor which be not in the hands of freeholders of estate of inheritance, though they be occupied by Copholders; Lessees for yeeres or for life, as well as tenant at will. And the reason why Copthold is accounted Demesnes, is because that they which be tenants unto it are adjudged in Law to have no other Estate but at the will of the Lord, so that it is still reputed to be in a manner in the Lords hands; and yet in common speech that is ordinarily called Demesnes, which is neither free nor copy. And this word Demesne is sometimes used in a more speciall signification, and is opposite to Frank-fee, as those Lands which were in the possession of Edward the Confessor, are called ancient Demesne, and all others are called Frank-fee. Kitchen, fol. 98 and the tenants which hold any of those Lands are called Tenants in ancient Demesne, the other, Tenants in Frank-fee. And no common person hath any Demesnes in the simple acceptation of the word, because

my oue fort maine, ou oue multitude de gens, mes seulement en un peaceable manner. Veies plus de ceo in Poultion de Pace Regis, fol. 34, 35, &c.

Demaundant.

DEmaundant est celuy que sue ou complainte en action Real pur Title de terre, & il est appel plaintife en un assise, & en un action de det, trñs, disceit, detinue, & tiels semblables.

Demaines.

Demaines, ou Demesnes, generally a parler solonque le Ley, sont tous les parts de asc' Manor q'l ne sont en mains del Freeholders q' estate de enheritance, comt soyent occuper per teñt p Copie de Court Rol' Lessees pur ans, ou pur vie, cy-bien come teñt a volunt. Et le reason q' Copiehold est account Demesns, est pur ceo q' ils q' sont teñts a ceo, sont adjudge en Ley dauer nul aut estat fors q' al volunt del Seignior, isint que il est iammes repute destre en un maner en les mains le Seignior; & uncoñ en comñ plance il est usualmt appelle Demesnes, que nest ou free ou copie. Et cest parol Demesne est asc' foyts use e un plus special signification, & est opposite al Frank-fee, si com ceux eres q'ux fueront en le possession d' Edou. le Confessor, sont appel ancient Demesne, & tous auts sont appel frank-fee, Kitchen, fol. 98. Et les teñts q' tient asc' d' ceux eres, sont appel teñts en antiēt Demesñ, les auts, teñts en frank-fee. Et nul comom pson ad asc' d' mesñs en le simple prisance del pol, q' ceo que la nest

The Exposition of

nest aucun fre, mes que il depéd
mediatmt ou immediatmt del
Corone, ceo est, de aucun honor
ou aut, appartient al Corone, &
néy graunts en fee al aucun in-
feriour person, & pur ceo quāt
un home en pledant voile en-
ferre son terre destre son de-
mesne, il dit, Que il est ou fuit
seise de ceo en son demesne
come de fee, *Littleton fol. 3.* per
que appiert, que nient obstant
son terre soyt a luy & ses
heires a tous jours, uncore il
nest voier demesne, mes depen-
dant sur un Seignior paramoūt,
& tiendrāt per service ou rent,
en lieu de service, ou per service
& rent ensemble.

Demaines solonque le com-
mon parlance, sont solement en-
tend le principal mannour
place del Seignior, que il & ses
Ancestors ont ewe de tēps hors
de memorie, en leur maines de-
mesne, & ont occupie ceo, en-
sēble ove tous edifies & measōs
quecunque: Et auxy les prees,
pastures, boys, frēs eyrable, & ti-
els semblables ove ceo occupie.

Demaund.

DEmaund est vocabulū Artis,
& si un releas a un aut tous
demaunds, ceo est (come *Little-
ton fol. 117. a.* dit.) le pluis meliour
release a luy, a que le release est
fait, q il poet avera & pluis
urera a son advantage, car p ceo
non solement tous demaunds,
mes auxy tous causes de de-
maunds sont release. Et sont
deux manners de demaunds,
cestaſcavoire, en fait & en
Ley: En fait, come en chef-
cun *Præcipe* la est expresse de-

there is no land but that it de-
pendeth mediately or immediately
of the Crowne, that is, of some
honour or other belonging to the
Crowne, and not granted in fee to
any inferior person, and therefore
when a man in pleading saith Ag-
nise his land to bee his owne,
hee saith, That hee is or was
seised thereof in his demesne as
of fee, *Littleton fol. 3.* whereby
it appeareth, that although his
land bee to him and his heires
for ever, yet it is not true de-
mesne, but depending upon a
superiour Lord, and holding
by service or rent, in lieu of ser-
vice, or by service and rent toge-
ther.

Demaines according to the
common speech, bee onely under-
stood the Lords chiefe mannour
place, which he and his Ancestors
have from time out of minde kept
in their owne hands, and have oc-
cupied the same, together with all
buildings and houses whatsoever:
Also the meadowes, pastures,
woods, eyrable lands, and such
like therewith occupied.

Demaund.

DEmaund is a word of Art,
and if one release to another
all demaunds, this is (as *Little-
ton, fol. 117. a.* saith) the best re-
lease to him to whom the release
is made, that hee can have, and
shall most enure to his advantage,
for by it not onely all de-
maunds, but also all causes of de-
maunds are released. And there
are two manner of demaunds,
that is to say, in deed and in
Lay: Indeed, as in every *Præ-*
cipe there is expresse demaund.
and

and therefore in Real Actions he is called Demandant, in personall, Plaintife: In Law, as every Entry in Land, Distress for Rent, taking of seizure of Goods, and such like Acts in the Countrey, which may be done without any words are demands in Law: As a release of Suits is moze large then a release of Quarrels or of Actions: So a release of demands is moze large and beneficiall then either of them, for by it is released all that which by the others are released, and moze. By release of all Demands, all freeholds and Inheritances executoy are released: By release of all Demands to the Dissolour, the right of Entry in the land, and all that is contained therein is released: By release of all Demands all Executions are released: and he that releaseth all Demands, excludeth himselfe from all Actions, Entries, & Seisures. And Littleton fo. 170. holdeth, That if Tenant in tails enfeoffeeth his Uncle, who enfeoffeeth another in fee with warranty, if after the feoffes by his deed releaseth to his Uncle all manner of demands by such release, the warranty, which is a Covenant real & executory, is extinct: & the reason of al this is, because that by release of demands, al the means & remedies, and their causes, which any hath to lands, tenements, goods, chattels, &c. are extinct, and by consequence, the right & interest is selfe unto the thing: yet a release of all demands doth not extend to such Writs, by which nothing is de-

maund, & pur ceo en Real Actions il est appelle Demandaunt, en personall, Plaintife: En Ley, come chescun Entrie en Terre Distresse pur Rent, prisel ou seisure des Biens, & semblable Acten Pays, que poient est fait sauns ascun pols sont demands en Ley: Si come release d Suits est pluis large que release des Querels, ou de Actions: Il finit release des demands est pluis large & beneficial que asc de eux, car per ceo est release tout ceo que per les auters sont release, & pluis. Per release de tous Demands, tous Franktenements & Enheritances executoy sont release: Per release de tous Demands al Dissolour, le droit de Entrie en le fre, & tout que est coteine deins ceo, est release: Per releas d tous d mads, tous Executions sont releas: & cestuy q releas tous Demands, exclu d luy m de tous Actions, Entries, & Seisures. Et Littleton fo. 170. teygne, Qui si Tenant e taylor enfeoffe son Uncle, le q enfeoffe un aut en fee ove garrantie, si apres le feoffee per son fait releffa a son Uncle tous manns de demands, per tiel release, le garrantie, que est Covenant real & executorie, est extinct: & le raison d tout ceo est, pur ceo q per releas des d mads, tous les meanes & remedies, & les causes de eux, que ascun ad al tres, tenements, bns, chattels, &c. sont extinct, & p consequence, le droit & interest mesme al chose: uncore releas d tous demands ne extend a tiels Briesfes, p queux riens est demand, neq;

en fait, neq; en Ley, mes gisont
solement a relievier le Plaintife
per voy de discharge, & nemy p
voy d' demand, cōe releas d' tout
demaunds nest barre en brieft
de Error, de reverfer un. Vi-
lagarie, & issint des semblables.
Veies 18 Edw. 3. 59. Coke lib 8.
fol. 153. 154.

Demy sanke, ou sangue.

Demy sanke est quauun: un hōe
marie un feme, & ad issue p
luy un fitz ou file, & le feme
morust, & donqs il prist un aut
feme, & ad per luy auxy un fitz
ou file: Ore ceux fitz sont so-
lonque un maner freres, ou cōe
ils sont appellez demy freres, ou
freres del demy sanke, cest adire,
frere per le part de pier, pur ceo
que ils ont ambideux un pier, &
sont ambideux de son sangue, &
nemy freres per le part le mere,
ne de ascun sanke ou kinne cest
voy, & pur ceo l' un de eux ne
poet este heire al auter, car il
que voile clame come heire, al
un per discent, doyt este d' en-
tire sanke a luy de que il clame.
En mesme le maner est, si feme
eyte divers issues per divers ba-
rons, qui fratres uterini di-
cantur.

Demurrer.

Demurrer est quauit asc' a ti-
on est port, & le Defendant
plead un plee, a que le Plain-
tife dit, Que ne voile respon-
d, pur ceo que il nest sufficient
plee en Ley, & le Defendaunt
dit al contrarie, Que il est
sufficient plee, & sur ceo ambi-
deux mitteront le cause al
iudgement del Court, donques

manded neither in deed nor in
Law, but lie only to reliefe the
plaintife by way of discharge, and
not by way of demand, as a re-
leas of all demands is no barre in
a writ of Error, to reverse an
Outlawry, and so of such like. Hoe
18. Edwar. 3. 59. Coke lib. 8. fol.
153. 154.

Half blood.

Half blood is when a man mar-
rieth a wife, and hath issue by
her a sonne or daughter, and the
wife dyeth, and then he taketh an-
other woman, and hath by her also
a son or daughter: Now these two
sons are after also brothers, or
as they are termed half brothers,
or brothers of the half blood, that
is to say, brother by the fathers
side, because they had both one fa-
ther, and are both of his blood, and
not brothers at all by the mothers
side, nor of blood, ne kinne that
way, and therefore the one of them
cannot be heire to other, for he
that will clame as heire to one
by discent, must be of whole blood
to him from whom he claimeth. In
the same manner it is, if a woman
have divers issues by divers hus-
bands, who are called brothers by
one mother.

Demurrer.

Demurrer is when any action
is brought, and the Defendant
pleadeth a plee, to which the
Plaintife answereth, That hee
will not answer, for that it is not
a sufficient plee in the Law, and
the Defendant saith to the con-
trary, That it is a sufficient plee,
and thereupon both parties doe
submit the cause to the judgement
of

of the Court, then it is called a Demurrer, for that they goe not forward in pleading, but abide upon the judgement of that point, and is said in the Latine used in the Records, Moratur in Lege.

For in every Action the difference consisteth either in deed or in Law; if in fact, it is tried by the Juris; if in Law, then the matter is either plaine, or difficult and rare; if it be plaine, then judgement is presently given; but when its hard and doubtfull, then is stay made, and time taken either to consider further thereupon by the Judges, to agree if they can, or otherwise for all the Justices to meet together in the Exchequer Chamber, and upon hearing of that which the Serjeants shall say upon both parts, to advise and determine what is Law, and that which is there concluded on by them shall stand firme without further remedy.

Denelage.

Denelage is the Law that the Danes made here in England, out of which and Merchenlage and Westsaxonlage William the Conquerour composed certain ordinances to be observed by his subjects.

Denizen.

Denizen, or Donaison, is where an Alien borne becometh the Kings subject, and obtaineth the Kings Letters Patents for to enjoy all priviledges as an Englishman, but if one be made denizen, he shall pay customes and divers other things as aliens, as it appeareth by divers Statutes thereof made.

It seemes that Donaison is the

ceo en appel un Demurrer, pur ceo que ils ne vont ouster en pleading, mes demurrer sur le judgement de cel poynt, & dicatur en Latine use en les Records, Moratur in Lege.

Car en chescun Action la difference consist ou en fait, ou en Ley; si en fait, il est trie per le Pais, si en Ley, dunque le matter est ou facile, ou dure & rare; si il soit facile, dunque judgement est immediatement done: mes qnt il est dure & en awrust, donq; la est demurr fait, & temps prile ou d consider ouster sur ceo per les Judges, d agreer si ils poyent, ou autrement per tous les Justic d vner ensemble en le Excheqr Chambf, & sur oyer de ceo que les Sergeants dieront de ambideux pts, de adviser & determiner que est Ley, & ceo que est la conclude per eux, estoyera firme, sauns auter remedie.

Denelage.

Denelage est le Ley que les Danes fesoient icy en Angleterre, hors de q & Merchenlage & Westsaxonlage Gulielme le Conquerour compose certeine ordinances destre observes per ses subjects.

Denizen.

Denizen, ou Donaison, est lou Alien nee, devient le subject le Roy, & obtaine le Letters Patents le Roy, pur injoy tous priviledges, come un home Anglois, mes si un soit fait denizen, il payef customes, & divers aufs choses cõe Alien, come appiert p divers Statutes de ceo fait.

Il semble que Donaison est le
voyer

The Exposition of

voyer noſme iſſint appel ꝑ ceo que ſon legitimation eſt done a luy, & nemy Denizen, cōe drive de *Deins nec*. Et le Ley eſt cy precife en le feaſans de Donaiſons que le Roy ne poyt graunt al aſc' aut a faire de Aliens nec, Donaiſons, il eſt per la Ley cy inſeparablemt, & individualmt annex a ſon royal perſon, car le Ley eſteem c' un hault prerogative, a faire Aliens nec, ſubjects del Royalm, et capable d' terres et enheritances de Anglitterre, é ſemblable maſi come aſcun natural ſubject nec eſt.

Et pur ceo l' eſtature de 27. H.8. cap. 24. que reunite pluſors del pluis auintient Prerogatives et Regal flowers de corone a ceo; uncoſ il ne pas mention aſc' autoritie de faire letſs de Donaiſation deſtre reſume, pur ceo que aſcun ne unque ceo claime pas per aſc' pretext quecunque, il eſteant un choſe de cy hault point de Prerogative. Vies Co. lib. 7. *Calvins caſe*.

Deodand.

Deodand eſt quaut aſc' hōe ꝑ miſfortune eſt occid' per un chival, ou ꝑ un charret, ou ꝑ aut choſe que movant en aydant de mort, donq's cel choſe que eſt le cauſe de ſon mort, et que al temps de la miſfortune mova, ſerra forfeit al Roy, et ceo eſt appel *Deodand*, & ceo perteine al Almoner le Roy, pur diſpoſer en almes et over de charitie.

Mes il neſt forfeit tanque le choſe ſoit trove d' record, et pur ceo ils ne poyent eſt' claime per preſcription, et l' Jurie que trove ou preſent le mort per tiel mil-

true name, ſo called becauſe that his legitimation is given to him, and not Denizen, as derived from *Deins nec*. And the Law is ſo precise in the making of Denizens, that the King cannot graunt to any other to make of Aliens bozne, Denizens, it is by the Law ſo inſeparably and indivdually annexed to his royall perſon, ſoꝝ the Law eſteemeth it an high Prerogative, to make Aliens bozne, ſubjects of the Realm, and capable of lands and inheritances of England, in ſuch ſort as any natural bozne ſubject is.

And therefore the Statute of 27. H.8. ca. 24. which reunith many of the moſt ancient Prerogatives and Regal flowers of the Crowne thereunto, yet it maketh no mention of any authority to make letters of Donaiſation to be reſumed, ſoꝝ that never any claimed it by any pretext whatſoever, it being a matter of ſo high a point of Prerogative. See Coke lib. 7. *Calvins caſe*.

Deodand.

Deodand is when any man by miſfortune is ſlain by a horſe, or by a cart, or by any other thing that moveth to further the death, then the thing that is cauſe of his death, and which at the time of his miſfortune did move, ſhall be forfeit to the King, and that is called *Deodand*, and that pertaines to the Kings Almoner, ſoꝝ to diſpoſe in almes and dooys of charity.

But it is not forfeited untill the matter be found of record, & therefore they cannot be claimed by preſcription, and the Jury that findeth or preſenteth the death by ſuch

misadventure, ought also to find & appraise the Deodand, Co. l. 5. f. 110.

If an horse smiteth one, and after wards the owner selleth the horse, and then the party that was smitten by the stroke, in this case the horse shall be forfeited as a Deodand, notwithstanding the sale, for relation shall be had to the stroke which was before the sale, Plow. Com. fol. 260. b.

Omnia quæ movent ad mortem, sunt Deodanda.

Departure from a plee or matter.

Departure from a plee or matter, is where a man pleadeth a plee in bar, & the plaintife replieth thereto, and hee after in his rejoinder pleadeth or sheweth another matter, contrary or not pursuing to his first plee, that is called a Departure from his barre, as if a man pleadeth a generall agreement in barre, and in the rejoinder hee alledgeth an especiall agreement, this shall be adjudged a departure in pleading; so in Trespasse, if the Defendant will plead a discent to him, and the Plaintife saith, that after this the Defendant infeoffed him, and the Defendant saith, that this feoffment was upon condition for the breach whereof hee entered, this is a departure from the barre, for it is a new matter. See Plow. Com. fol. 7. & 8.

Departure in despite of the Court.

Departure in despite of the Court, is when the Tenant or Defendant appeareth to the action brought against him, & hath a day after in the same Term, as is called after, though he had no day given

adventure, doient auxy troue & apprise le Deodand, Co. l. 5. f. 110.

Si un chival percut un home, & puis le owner vend le chival, & donque le partie que fuit percussie morust del stroke, en c' case le chival serf forfeit come Deodand, nient obstant le vendition, car relation serra al serve q fuit paramount le vendition, Plow. Com. fol. 260. b. (dead, what moves to death or kild the is Deodand and forfeited.

Departure de son plee ou matter.

Departure de son plee ou matter, est lou un hōe plede un plee en barf, & le plaintife reply a ceo, & il apres e son rejoinder plead ou monstre auter matter, contrarie ou nient pursuant a son primer plee en barf, ceo est appel un departure de son barf, come si home pleda un general agreement en barre, & en le rejoinder il alleage un especial agreement, ceo serra adjudge un departure en pleading; isint en Trespasse si le Defendaunt voile pleader discent a luy, & l'plaintife dit, que puis ceo le Defendaunt infeoffe luy, & le Defendaunt dit, que ceo feoffement fuit sur condition pur l'enfriend q il enter, ceo est departure d'l barre, car est novel chose. Veies Plow. Com. fol. 7. & 8.

Departure en spite del Court.

Departure en spite del Court, est quaut l' Tenant ou Defendaunt appeare al Action port enuers luy, & ad jour ouster en mesme le Terme, ou est demand apres, cōment nul jour soit en mesme

mesme le Terme, si ne ap-
peare mes fait default, cest
un departure en despire de
Court, & pur ceo il serra con-
demne.

Et est destre observe que de-
parture en despire del Court
est tous foits del part del Te-
nant ou Defendant, & le entry
de ceo est, *Quod predictus A-
licet solenniter exactus non re-
venit, sed in contemptum curie
recessit & defaultam fecit*; & ceo
est quant en judgement del Ley
il est present en Court, & este-
ant demand, depart en despire
del Court, ceo amount a un
barre en respect del despire &
contempt al Court. Veies *Coke*
lib. 8. fol. 62.

Deprivation.

Deprivation est qnt un Abbe,
Evesque, Parson, Vicar, Pre-
bend, &c. est deprive ou depose
de son preferment pur ascun
chose en fait ou en Ley. Come si
un Miscreant ou Schismaticq soit
present, admit, & induct, la est
bone cause de deprivation: Is-
sint si merus Laicus soit pre-
sent, admit, institute, & induct,
uncore il serra deprive: Issint
si le Incumbent ad pluralite
des Benefices: Issint si ne sub-
scribe a les Articles de Religion,
solonque l'estatute de 13. *Eliz.*
cap. 12.

Et per l'estatute de 21. *H. 8.*
cap. 13. est enact, que si ascun
person ayant un Benefice oue
cure animarum del anual value
de huit liús, ou ouster, accepta
ou prendra ascun aut oue cure
des almes, & soit institute, & in-
duct en le possession de ceo, q sur

him, so that if he in the same term,
if he do not appeare, but make de-
fault, it is a departure in despire
of the Court, and theretore he shall
be condemned.

And it is to be observed that
departure in despire of the
Court, is alwayes of the part of
the Tenant of Defendant, and
the entry thereof is, *Quod præ-
dictus A. licet solenniter exactus*
*non revenit, sed in contemptum cu-
rie recessit & defaultam fecit*; and
this is when in judgement of the
Law he is present in Court, & be-
ing demanded, departeth in de-
spire of the Court, this amount-
eth to a barre in respect of the de-
spire and contempt to the Court.
See Coke lib. 8. fol. 62.

Deprivation.

Deprivation is when an Abbot,
Bishop, Parson, Vicar, Pre-
bend, &c. is deprived or deposed
from his preferment for any mat-
ter in fact or in Law. As if a
Miscreant or Schismaticke be
presented, admitted, and inducted,
there is good cause of Depriva-
tion: So if a mere Lay man be
presented, admitted, instituted, and
inducted, yet he shall be deprived:
So if the Incumbent hath plu-
rality of Benefices: So if he doth
not subscribe to the Articles of
Religion, according to the Statute
of 13. *Eliz. cap. 12.*

And by the Statute of 21. *H. 8.*
cap. 13. it is enacted, that if any
person having a Benefice with
cure of soules of the yearly value
of eight pounds, or more, accepteth
or taketh any other such cure of
soule, and be instituted and in-
ducted into the possession thereof,
that

that hereupon the first Benefice shall be void, and the Incumbent in this case is ousted or deprived by session: And in the case also said, the Bishop needeth not to give notice to the Patron, because that the Depavation is by Act of Parliament, to which every one is party, and ought to take notice at his perill; but otherwile it is if the first Church be not of the yearly value of eight pounds, for then it is void merely by the Ecclesiasticall Law, whereof the Patron need not to take notice at his perill. See Coke, lib. 4. fol. 76. and lib. 7. 43. b.

Deputie is he that occupieth in another mans right, whether it bee Office or any other thing else, and his forfeiture or misdemeanor shall cause the Officer or him whose Deputy he is, to lose his Office or thing. But a man cannot make his Deputy in all cases, except the grant so be as if it be with these or such like words, To exercise or use by himselfe or his sufficient Deputy; or if the words goe further. To himselfe or his Deputy, or the Deputy of his Deputy, then hee may make a Deputy, and his Deputy also may make a Deputy, or else not: As if the Office of a Parkerthip be granted to one, hee cannot grant this over to another, because it is an Office of trust and confidence, and shall not be forfeited: And there is great diversity betweene Deputy & Assignee of an office, for an Assignee is a person that hath an estate or interest in the Office it

c' l' prim Benefice serra voida, & le Incumbent en c' case est ouste ou deprive per session: Et en le case avantdit, ne besoigne al Evesque a doner notice al Patron, pur ceo que le Depavation est per Act de Parliament, a que chescun est partie, & doit prender notice a son perill; mes autermt est si le primer Eglise ne soit de annuel value de huit livrs, car donque ceo est void merement per l' Ecclesiasticall Ley, dont le Patron ne besoigne apprender notice a son perill. Veies Coke, lib. 4. fol. 76. & lib. 7. 43. b.

Deputie est celuy que occupia en auter droit, soit ceo Office ou ascun auter chose, & son forfeiture ou misdemeanor causera l' Officer ou celuy quel Deputie il est, de perdre son Office ou chose. Mes un ne poit faire son Deputie en tous cas, nisi le grant soit issint: sicome il soit oue ceux ou tiels semblables parolx, Exercendo per se, vel sufficientem deputatum suum, ou si les parolx va ouster, Per se vel deputatum suum, aut deputatum deputati, donques il poit faire un deputig, & son deputie, auxy poit faire un deputie autermt nemy: Cōe si le office de Parkerthip soit grant a un, il ne poit granta ceo ouster a un aut, pur ceo que est Office de trust & confidence, & ne serra forfeit: Et la est grand diversitie inē deputie & assignee d'un Office, car un assignee est person que ad estare ou interest en le Office mesme, & fait tous choses

The Exposition of

choses en son nomme demesme, pur que son grantor ne respondera si non que soit en especial cases, mes un deputie nad aucun estat ou interest e l'Office, mes est forsque l'umbre del officer & fait tous choses en le nomme del officer m, & rien en son nomme demesme, & pur que son grantor respondera: & quant un officer ad power a faire assignes, il poit implice faire Deputies, car *Cui licet quod minus est, non debet quod minus est non licere*, & pur ceo quant office est graut a un & a ses heires, per ceo il poit faire assignes, & per consequence il poit faire Deputies. Le Roy per ses Leters Patents commut al Viscount *Custodiam Comitatus*, sauns expresse parols de faire Deputie, & uncore il poit faire un South-Viscount, cestascavoire son Deputie: Issint quant devant le statute de *Quia emptores terrarum*, le Roy ou auter Seignior ad donc terres a un Chivaler, a tener de luy per Service de Chivaler, cest adire, a aler oue son Seignior quant le Roy fait Voyage Royal a subduer ses ennies, pur 40. jours bien & convenablement array pur le guerre, ore il poit trover auter able person, uncore en l'un case il concerna le publique administration & execution del Justice en temps de peace, & en l'aut le publique defence del Royalm en temps de guerre. Veies *Coke lib. 4. Le Countee de Salops case.*

Dereyne.

Dereyne est prise e diuis man-
ners, & semble a venir del

selfe, & doth all things in his owne name, for whom his grantor shall not answer, unless it be in especial cases, but a Deputy hath not any estate or interest in the Office, but is only the shadow of the Officer, and doth all things in the name of the officer himselfe, and nothing in his owne name, and for which his grantor shall answer: and where an Officer hath power to make assignes, he may implicitly make Deputies, for Hee that may doe more, it ought not to bee held unlawfull to him to doe lesse, and therefore when an office is granted to one and to his heires, by this he may make assignes, and by consequence he may make Deputies. The King by his Leters Patents committeth to the Sheriffe the custody of the County, without expresse wordes of making Deputy, and yet he may make an under-sheriffe, viz. his Deputy. So before the statute of *Quia emptores terrarum*, the King or other Lord had given lands to a knight, to hold of him by knights service, that is, to go with his Lord when the King maketh a voyage, to sell to subdue his enemies, for 40. days well and conveniently arrayed for the warre, yet he may find another able person, to do what in the one case it concerneth the publique administration and execution of Justice in time of peace, and in the other, the publique defence of the Realme in time of warre, See *Coke lib. 9. Le Countee de Salops case.*

Dereyne.

Dereyne is taken in divers
senses, and seemeth to come
from

from the French word *Disarroyer*, that is, to confound or put out of order, or else of the Norman word *Desfrens*, which is the denial of a mans owne act, and *Lex deraisnia* was the proove of a thing which one denieth to bee done by himselfe, which his aduersarie affirmeth to bee done, defeating and confounding the assertion of his aduersary, and shewing it to bee without and against reason or probabilitie which hee avoucheth: And in our Law it is diversly used, first generally to proove, as, *Dirationabit jus suum hares propinquior*, *Glanville lib. 2. cap. 6.* and he, *lib. 4. cap. 6.* saith, *habeo probos homines qui viderunt & audiverunt*, & *parati sunt hoc dirationare*. In the same manner *Bracton* useth it in these words, *habeo sufficientem distratiocinationem & probationem*. By the Statute of 31. H. 8. cap. 1. *Joyntenants and Tenants in Common* shall have ayde to the intent to deraigne the *Garrantie Paramount*. So *Plowd.* in *Manxels case*, fol. 7. b. hath this case, if a man hath an estate in fee with *warrantie*, and enfeoffeth a stranger with *warrantie & dyeth*, and the feoffee voucheth his heire, the heire shall deraigne the first *warrantie*. Also this word is used when religious men forsake their orders and professions, as in *Kitch.* fol. 152. b. if a man maketh a lease for life upon condition, that if the lessee dyeth without issue, then the lessor shall have fee, the lessee enters in religion, & then the lessor dyeth without issue, & after the lessee is deraigned he shall not have fee, in-

par al Francoes *Disarroyer*, ceo est, confoundere ou mitt hors d' order, ou auterant del Norman parol *Desfrens*, que est le denial del proper fait d'un hœ, & *Lex deraisnia* fuisse le proove d'un chose que un denia destre fait per luy mesme, que son adversarie affirme destre fait, defeating & confondant le assertion de son adversarie, & monstrant ceo destre sans & envers reason ou probabilitie que est avouch: Et en nostre Ley il est variousment use, primerment generalment de proover, cœ, *Dirationabit jus suum hares propinquior*, *Glanville l. 2. c. 6.* & il, *lib. 4. c. 6.* dit, *habeo probos homines qui hoc viderunt & audiverunt, & parati sunt hoc dirationare*. En mesme le manner *Bracton* ceo use en ceux parols, *habeo sufficientem distratiocinationem & probationem*. Per l'estatute de 31. H. 8. c. 1. *Joyntenants & Tenants in Common*, averont ayde al intent a deraigner l'*garrantie paramount*. Ilint *Plowd.* in *Manxels case*, fol. 7. b. ad cest case, si home ad estat en fee oue garrantie, & infeoffe estranger oue garrantie & morust, & le feoffee vouch son heire, le heire deraignera le primer garrantie. Auxy cest parol est use quaut religious homes waiva lour orders & professions, cœ en *Kitch.* fol. 152. b. si hœ fait leas pur vie sur condition, que si le lessor devie sans issue, que donques le lessor avera fee, le lessor enter en religion, & puis le lessor devie sans issue, & puis l'lessee est deraigne il n'aura fee, entant que al temps

temps del condition le fec ne
poit vest en luy.

Det.

DEt est un Briefe, & gift lou
ascun somme d'argent est
due a un per reason de accompt,
bargaine, contract, obligac^o, ou
aut especialtie, a estre pay a asc^e
certaine jour, a ql jour il ne paia
pas, donques il avef cest Briefe.
Mes si ascun somme d'argent
soit due a ascun Seignior per son
Tenr, pur ascun rent service, le
Seignior ne unqs aua action de
Det pur ceo, mes il covient
touts foits distreine pur ceo.
Auxy pur rent charge ou rent
secke, quel home ad pur terme d^e
son vie, en taile, ou en fee, il na
vera action de Det cy longe cõe
le rent endure, mes ses executors
poyent aver un action de Det
per les arrerages d'asc^e des dits
rent due en le vie lour testator,
per l'estature 32. H. 8. cap. 37.

Mes pur les arrerages de rent
reserve sur un Lease pur terme
de ans, le lessor est a son electi-
on de aver action de Dette, ou
pur distreiner: mes si le leas
soit determinẽ, donques il ne di-
streinera apres pur cel rent: mes
covient luy daver un action de
Det pur les arrerages.

Et nota, Que per le Ley del
Realme Det est solement prise
desurder sur ascun contract ou
penaltie impose per ascun Sta-
tute ou paine, & nemy p auter
offences, cõe en le Civile Ley,
Debitum ex delicto.

Si home enter Tavernie a
boyer, & quant il ad boye,
il d'ala, & ne voet pay le Taver-
ner, le Taverner n'avera action

much as at the time of the conditi-
on the fee cannot vest in him.

Debt.

DEbt is a writ, and it lyeth
where any summe of money is
due to a man by reason of ac-
count, bargain, contract, obliga-
tion, or other especialty to be paid
at a certain day, at which day he
payeth not, then he shall have this
writ. But if any summe of money
be due to any Lord by his Te-
nant for any rent service, the
Lord shall never have action of
Debt for that, but it becometh him
alway to distraine for it. Also for
rent charge or rent secke, which
any man hath for life, in taile, or
in fee, he shall not have any action
of Debt as long as the rent con-
tinueth, but his Executors may
have an action of Debt for the ar-
rerages of any of the said rents
due in the life of their testator by
the Statute, 32 H. 8. cap. 37.

But for the arrerages of rent
reserved upon a Lease for terme
of years, the Lessor is at his e-
lection to have an action of Debt,
or for to distraine: but if he lease
be determined, then he shall not
distraine after for that rent: but
he must have an action of Debt for
the arrerages.

And nota, That by the Law
of the Realme Debt is onely ta-
ken to arise upon some contract
or penaltie imposed upon some
Statute or paine, and not by other
offences, as in the Civill Law, *De-
bitum ex delicto.*

If a man enter into a Tavernie
to drink, and when he hath drank,
he goeth away & will not pay the
Taverner, the Taverner shall not
have

habe an action of trespasse against him for his enrie, but shal haue an action of Debt for the wine.

If I deliuer cloth to a Tailor to haue a gowne made, if the price be not agreed on in certaine beioze, how much I shall pay for the making, he shall not haue an action of Debt against me, that is to say, a generall action of Debt, but in such case the Tailor shall haue a speciall action of Debt, and shal declare specially, and it shall be put to the Jury how much he deserueth.

But if a Tailor make a Bill, and himself rateth the making and the necessaries thereunto, hee shall not haue an action of Debt for his owne values, unlesse that it was so specially agreed, but in such case he may detain the garment untill he be paid, as an Hostler may his Guests horse for meat by him taken, Coke lib.8. 147.

*Deuastaverunt bona
Testatoris.*

DEuastaverunt bona Testatoris, is when the Executors will deliuer the Legacies that their Testator hath given, or make restitution for wrongs done by him, or pay his debts due unto contracts, or other debts upon specialties, whose dayes of payment are not yet come, &c. And keepe not sufficient in their hands to discharge those debts upon records or specialties, that they are compellable formerly by the Law to satisfie, then they shall be constrained to pay of their owne goods the duties which at the first by the Law they were compelled to pay, according to the value of what they deliuered or paid by compul-

Compul-

de Trespasse vers luy, pur son enrie, mes avera action d Debt pur le Vinc.

Si Jeo deliver drape a un Tailor daver un toge fait, si le price ne soynt agreee en certaine d'vant, comebyen Jeo payera pur le feafance il navera action de Debt vers moy, cestascavoir, un general action de Debt, mes en tiel case le Taylor avera special action de Debt, & countera specialment, & il serra mis al Jurie, quaut il deserve,

Mes si un Taylor fait un Bill, & il mesme rate le feafance & les necessaries a ceo, il navera action de Debt pur les values demesne, si non que fuit isint especialmēt agreee, mes en tiel case il poit deteyner le garment tanq il soynt satisfie, come un Hostler poit le chival de son gueft, pur viands per luy prise, *co. l. 8. 147.*

*Deuastaverunt bona
Testatoris.*

DEuastaverunt bona Testatoris, est quant les Executors voile deliuer les Legacies q lourt Testat ad done, ou faire restitution pur torts faits per luy, ou pay ses debts due sur contracts, ou aues debts due sur specialties, q jours de payment ne sont uncore venus, &c. Et ne gard sufficient e leur maines pur discharger ceux debts sur recordes ou specialties, q ils sont compellable primermt per le Ley d satisfier, donq ils seront constrain d payer de leur biens demesne ceux duties, le q l al primes p le Ley ils fueront compelles de payer, accordant al value de ceo q ils deliueront ou pay sauns

2

compulssion,

The Exposition of

compulsion, car tiels payments d' debts, ou deliverie d' legacies, cōe est avantdit, devaunt debts payes sur specialties ou records, quel jours de paymt sont a ore venus, sont account é le Ley, un vastant des biens del Testator, cy taunt come si ils ad done eux sauns cause, ou vend eux & convert a lour proper use.

Et pur ceo si A. soyt lie en Recognisance, ou en Statute Merchaunt ou Staple, & puy recoverie est ewe vers A. en action de debr, & A. fayt ses executors, & morust, ses executors sont tenus per la Ley a payer le debt due sur le recoverie, coment que soyt puisne devaunt le debt due per Recognisance ou Statute, pur ceo que coment que ambideux sont records, uncore le judgement en le Court le Roy, sur judicial & ordinary proceeding, est pluis notorious & conspicuous, & de pluis hault & eminent degree q un Statute ou Recognisance prise en privat, & per consent des parties, & p ceo preferre en judgement del Ley devant Recognisance ou Statute, & si l' executors ne ceo primerment satisfia donq sils nont des biens le mort é lour maines, il responderont ceo d' lour biens d' mesm. Isint l' Ordinarie ayant biens d'un que morust intestat, en ses maines p sequestratiō, & un action d' dbr sur un obligatiō, alvalue des dits biens, soit port vers luy come ordinarie, il ne disposera ou administrera ascun parcel de les dits biens a les auters creditors a son pleasure, mes est

tion, for such payments of debts, or delivery of legacies, as is aforesaid, before debts paid upon specialties & records, whose dayes of payment are already come, are accounted in the Law a waisting of the goods of the Testator, as much as if they had given them away without cause, or sold them, & converted them to their own use.

And therefore if A. bee bound in a Recognizance, or in a Statute Merchant or Staple, and after recovery is had against A. in an action of debt, and A. maketh his Executors, & dyeth, his Executors are bound by the Law to pay the debt due upon the Recovery, although that it bee later, before the debt due by Recognizance or Statute, because that although that both are Records, yet the judgement in the Kings Court, upon judiciall and ordinary proceeding, is more notorious and conspicuous, and of a more high and eminent degree than a Statute or Recognizance taken in private and by consent of parties, and therefore preferred in judgement of the Law before Recognizance or Statute, & if the executors doe not satisfie & pay this first, then if they have no goods of the dead in their hands, they shall pay it of their owne proper goods. So the Ordinary having goods of one that dyeth intestat in his hands by sequestration, and an action of Debt upon an obligation, to the value of the said goods is brought against him as ordinary, he shall not dispose or administer any parcel of the said goods to the other creditors at his pleasure; but is bound

bound to satisfy the debt first, for which an action is brought against him. Dy. fol. 232. pl. 5.

Devenerunt.

DEvenerunt is a writ directed to the Escheator, when any of the Kings Tenants holding in Capite dyeth, and when his son and being within age, and in the Kings custody dyeth, then shall this writ goe forth, commanding the Escheator, that he by the oath of god & lawfull men enquire what lands or tenements by the death of the Tenant come to the King, &c. See Dy. fol. 360. pl. 4.

Devest.

DEvest is a word contrary to Invest, for as Invest signifieth to deliver the possession of a thing, so Devest signifieth the taking away of the possession.

Devise.

DEvise is where a man in his testament giveth or bequeatheth his goods or his lands to another after his decease. And where such devise is made of goods, if the Executors will not deliver the goods or chattels personals to the Devisee, the Devisee hath no remedy by the common Law, but it behoveth him to have a citation against the Executors of the Testator, to appear before the Ordinary, to shew why he performs not the Will of the Testator, for the Devisee may not take the Legacy and serve himselfe, but it must be delivered to him by the Executors.

But by the Common Law, if a man be sole seised of lands in his demesne, as of fee, and devise the lands by Testament,

ten' a satisfaire le debt primes, & que un action en attempt vers luy. Dyer fol. 232. placito 5.

Deventerunt.

DEvenerunt est un Brieve direct al Escheator, quant alc' Tenants le Roy que tient en capite morust, & qst son fits & heire deins age, & custodie le Roy, morust donq cest Brieve is fera; commaundemt l' Escheator, Que il per le serement d' probes & loyals homes, enquire q terres ou tenements p le mort le Tenant, deveigne al Roy, &c. Veies Dyer fol. 360. pl. 4.

Devest.

DEvest est un parol contrary al Invest, car cõe Invest signifie a trader le possession d'un chose, issint Devest signifie laufferance d'un possession.

Devise.

DEvise est lou un e son Testament done ou grant ses biens ou ses terres a un autre apres son decease. Et lou tiel devise est fait des biens, si les Executors ne voient deliver les biens ou autres chattels personals a le Devisee, le Devisee nad remedie per le Common Ley, mes il convient de aver un citation vers les Executors le Testatour, d' appaerer devant le Ordinary, demonstrier p quoy il ne performa le volunt le Testator, car le Devisee ne poit prendre le legacie & luy m feru, mes il doit estre deliũ a luy per les executors.

Mes per le Common Ley, si home soit sole seise de terres en son demesne come de fee, & devise les fies p son Testament,

The Exposition of

cest Devise fuit voyde, si non le fres fueront en un Citie en Borough, lou fres sont devisable per custome. Mes si ascun home fuissioit enseoffe al use d'un auf & ses heires, & cesty a que use il fuit issint seisie fesoit devise de ses fres, cest Devise fuit bon, comment que il ne fuit en Ville lou terres sont devisable.

Auxy si ascun home devise fres é Citie, Ville, ou Borough, devisable, & le Deviseur devie, si son heire ou ascun auter abate en les terres, donques le Devisee avera Brieife de *Ex gravi querela*. Mes cest Brieife ne serra jammes plede devaunt le Justice le Roy, mes tous foys devaunt le Maior ou Bailife en le dit Ville.

Et ore al fine de monstre quant les Leyes de cest Roialme, & les discreet Judges de ceo, queux sont les Interpreters de le Ley, ont favour Voluntés & Testaments, & issint Devises, en yeelding al eux tiel reasonable construction come ils pensant poit byen agreer oue les mentes de les morts, considerantes que Voluntés & Testaments sont pur le plus part, & per common intendement fayt quaut le Testatour est ore en graund langour, feeble, & passa tout sperans de recovery: Car il est un opinion en le Payes inter le greinder nombre, que si un home per chance soit cy prudent, come de-fayre son Volunt en son bone sanitie, qñ il est strong, d' bone memorie, & ad temps & opportunitie, & poyt demaunde councel, si ascun doubt soit de le Learned,

this Devise was void, unless the lands were in City or Borough, where lands be devisable by custome. But if any man were infeoffed to the use of another and his heires, and hee to whose use hee was so seised, did make devise of his lands, this devise was good, though it be not in a Town where lands are devisable.

Also if any man devise lands in City, Towns, or Borough, devisable, & the Deviseur dyeth, if his heire or any other abate in the lands, then the Devisee shall have a writ of *Ex gravi querela*. But this writ shall never be pleaded before the Kings Justice, but alwayes before the Mayor or Bayliffes in the same Towns.

And here to the end to shew how much the Lawes of this Realme, and the wise discreet Judges of the same, who are the Interpreters of the Law, doe favour Wills and Testaments, and Devises in yeelding to them such a reasonable construction as they thinke might best agree with the mindes of the dead, considering that Wills and Testaments are for the most part, and by common intendment made when the Testatour is now very sicke, weake, and past all hope of recovery: For it is a received opinion in the Country amongst most, that if a man should chance to be so wise as to make his Will in his good health, when hee is strong, of good memory, and hath time and leisure, and might aske counsell, if any doubt were of the Learned, that then hee should not live

the long after, and therefore they deferre it to such time when as it were more convenient to apply themselves to the dispositions of their soules, then of their lands or goods, except it were that by the fresh memorie and recital of them at that time, it might bee a cause to put them in minde of some of their goods or lands falsly gotten, and so move them to restitution, &c. And at that time the penning of such wills are commonly committed to the Minister of the Parish, or to some other more ignorant than hee who knoweth not what words are necessary to make an estate in fee-simple, fee-tails, for terme of life, or such like, besides many other mischiefs: I will therefore here set downe some of those cases as are most common in ignorant mens mouthes, & doe carry by the wise interpretations of the Judges, as is aforesaid, a larger and more favourable sense in wills, than in Wodes.

First therefore, if one devise to J. S. by his will all his lands and tenements, here not onely all those lands that he hath in possession do passe, but all those that hee hath the reversion of, by vertue of those words, Tenements.

And if land be devised to a man to have to him for ever, or to have to him and his assignes, in these two cases the devisee shall have a fee-simple. But if it be given by feoffment in such manner, he hath but an estate for terme of life.

And if a man devise his land to another, to give, sell, or doe therewith at his pleasure or will, this is fee-simple.

que donqs il ne doit vivre long apres & pur ceo ils ceo deferre tanq; tiel temps qu'aunt ceo soyt plus convenient le applyer eux mesmes a le disposition de leur Almes, q̄ d̄ leur f̄res & biés, si nō q̄ il soit q̄ p̄ fresh memory & recital d̄ eux a cest tēps, il poit est̄re un cause de m̄tre eux en ment d̄ ascū de leur biés ou f̄res fauxm̄t purchase, & issint move eux al restitution, &c. Et a cest tēps l'escriture d̄ tiels Volunts sont communem̄t commit al Minister del Paroch, ou al asc' aũ plus ignorant q̄ luy, q̄ ne scavoir queux parols s̄ot necessarie p̄ faĩr un estat en fee-simple, fee-taille, pur t̄me d̄ vie, ou tiels scēblables, pr̄t̄ diūs aũs mischiefs: Jeo voil pur ceo mis si ascuns de ceux cas̄s queux s̄ot plus common en les bouches d̄ les ignorant hōes, & p̄rtont p̄ l' scavient interpretations d̄ les Judges, cōe est avant-dit, un large & plus favourable sens̄e en Volunts, que en Faits.

Et pur ceo primerm̄t, si un devise al J. S. p̄ son Volunt, tous ses f̄res & tenem̄ts, icy nō seulement tous ceux f̄res q̄ il ad en possession passont, mes auxy ceux d̄ q̄ il ad en reversion, per vertue d̄ ceux parols, Tenem̄ts.

Et si f̄res son d̄vise a un hōe, a aver a luy imperpetuum, ou aver a luy & ses assignes, en ceux deux cas̄s le devisee ayera fee-simple. Mes si soyt done p̄ feoffment en tiel maner, il nad forsq̄ue estate pur terme de vie.

Auxy si un home devise ses terres al aũ, pur doner, vender, ou faire de ceo a son volunt & pleasure, cest fee-simple.

The Exposition of

Un devise fait al un & a les heires males, fait un estat taile : Mes si tiels parolx sont mis en un fait d'l feoffment, il serf prise fee-simple, pur ceo que il nappiert de que corps les heirs males serra engender.

Si terres sont done per fait al J.S. & a les heires males de son corps, &c. que ad issue file, que ad issue fits & mortuist, la le terre revertera al Donour, & le fits de file navera ceo, pur ceo que il ne poit a luy mesme conveyer per heires males. car la mere est un obstacle a ceo : Mes autrement est de tiel devise, car la le fitz del file ceo avera plustost que le Volunt serra void.

Si un devise al Enfant en *ventre matris sue*, cest bone devise, autrement est per feoffment, graunt, ou done, car en ceux cases il doit estre un del habilitie pur prendre maintenant, autrement il est voidc. Veies 14. *Eliz. Dy. 304.*

Un devise fait en fee-simple fauns expresse parols del heires, est bone en fee-simple.

Mes si un devise soit al I.N. il avera les fres forsque pur terme de vie, car ceux parols ne voilent porter greinder estate.

Si un voile que son fits J. avera son terre puis le mort sa feme, icy le feme le devisor avera le terre primes pur terme de sa vie. Ilint si home devise ses biens a sa feme, & que apres le decease de son feme, son fits & heire avera le meason ou les biens sont, la le fits navera le meason durant le vie d' le feme ;

A devise made to one and to his heires males, doth make an estate taile: But if such words be put in a deed of feoffment, it shalbe taken a fee-simple, because it doth not appear of what body the heires males shall be begotten.

It launde be given by deed to J. S. and to the heires males of his body, &c. who hath issue a daughter, who hath issue a son, & dieth, then the land shall returne to the Donor, & the son of the daughter shall not have it, because he cannot convey himselfe by heires males, for his mother is a let thereto: but otherwise it is of such a devise, for there the issue of the daughter shall have it, rather than the will shall be void.

If one devise to an Infant in his mothers belly, it is a good devise, otherwise it is by feoffment, graunt, or gift, for in those cases there ought to be one of ability to take presently, or otherwise it is voyde. *Stat. 14. Eliz. Dy. 304.*

A devise made in fee-simple without expresse words of heires, is good in fee-simple.

But if a devise be made to J. N. he shall have the land but for terme of life, for those words will carry no greater estate.

If one will that his sonne J. shall have his land after the death of his wife, here the will of the Devisor shall have the land first for terme of life. And likewise if a man devise his goods to his wife, and that after the decease of his wife, his son & heire shall have the house where the goods are, there the son shall not have the house during

ring the life of the wife: for it doth appeare, that his intent was, that his wife should have the house also for terme of her life notwithstanding it were not devised to her by expresse words.

If a devise be to J. N. and to the heirs females of his body begotten, after the devise hath issue a son & daughter, & dieth, here the daughter shall have the land, and not the son, and yet he is the most worthy person, and heir to his father: But because the will of the dead is, that the daughter should have it, law and conscience will so also.

And herein the very Heathens were precise, as appeareth by those Verses of Octavius Augustus, which Donatus reporteth he made after that Virgil at his death gave commandement that his Bookes should be burnt, because they were imperfect, and yet some persuaded that they should be saved, as indeed they happily were, to whom he answered thus: But faith and Law must needs be kept, and what law will doth say: And what it doth command be done, that needs we must obey.

Devoire.

Devoire is as much to say as a duty, and this word is used in the Statute of 2. R. 2. cap. 3. where it is provided that all the Western Merchants, being of the Kings amity, shall pay all manner of customes & subsidies, and other devoires of Caleis. See the Stat. 5. ejusd. Reg. c. 2.

Devorce.

Devorce, divorcium dictum est à diversitate mentium, quia in

Car il appiert que son intent fuit, que sa femme doit avoir le meison auxy pur terme de sa vie, nient obstant il ne fut devise a luy per expresse parols.

Si un devise soit al J. N. & a les heires females de son corps engendres, apres le devisee ad issue fits & fille, & morust, icy le fille avera le terre, & nemy le fits, & uncore il est pluis digne person, & heire al son pere: Mes pur ceo q̄ volunt del mort est, que le fille doit ceo aver, ley & conscience voet issint auxy.

Et en cest poient les Heathens fueront precise, come appiert p̄ ceux Verses d'Octavius Augustus, que Donatus report, il fesoit apres que Virgil a son mort donoit commandement que ses livres doient estre combure, pur ceo que ils fueront imperfect, & uncore ascuns persuadont que ils doyent estre save, come en fait ils happiment fueront, a que il respond issint: Sed Legum servanda Fides, suprema voluntas; Quod mandat, fierique jubet, parere necesse est.

Devoire.

Devoire est tant adire, come dutie, & cest parol est use en le Statute de 2. R. 2. cap. 3. ou est purviewe, que tous Merchants del West, esteant del amitie le Roy, payera tous manners des customes & subsidies, & auters devoires de Caleis. Veies le Statute 5. ejusdem Regis cap. 2.

Devorce.

Devorce, divorcium dictum est à diversitate mentium, quia

The Exposition of

in diversas partes eunt qui distrahunt Matrimonium, ou auterment *Divortium*, vient del verbe *Diverto*, que signifie de retourner arete, pur ceo que puis le divorce parcent le baron & feme, il luy retourne arete a sa pere, ou auter amies, ou al lieu de que il luy prist.

Et coment que Devorce ne unques fuit approve per le Divine Ley, mes al contrarie prohibite come appiert per cest mandar, *Quod Deus conjunxit homo non separet*, uncore en tous ages & bien dispose common-weales il ad estre use & permit. Et issint a cest jour oue nous la sont divers causes pur queux baron & feme poient estre divorcee, come primerment *causa præcontractus*.

Et pur ceo si home marrie oue feme præcontract, & ad issue per luy, cest issue en Ley & en veritie poit le surnosome de son pier: mes si puis le baron & feme sont devorcee pur le præcontract, ore l'issue ad parde so surnosm, & est devenus Bastard, & *nullius filius*, *Coke li.6. fo.66.*

Et devorce poit estre *causa frigiditatis*, & pur ceo si home soit espouse a un feme, & puis ils sont devorcee *causa frigiditatis*, & donque le home prist auter feme, & ad issue per luy, uncore cest issue est legitimate, pur ceo que home poit estre *habilis & inhabilis diversis temporibus*, & per le devorce *causa frigiditatis* le mariage fuit dissolve à *vinculo matrimonii*, & p consequence chesc de eux poit marrie arete. *Co.lib.5. fol.98. b.*

diversas partes eunt qui distrahunt Matrimonium, or else *Divortium* commeth from the verbe *Diverto*, which signifieth to returne backe, because that after the Divorce betweene the husband and wife, he returneth her againe to her father or other friends, or to the place from whence he had her.

And although that Devorce was never approv'd of by the Divine Law, but contractus is prohibited, as appeareth by this precept, Let no man separate that which God hath joynd together, yet in all ages and well-governed common-weales it hath been used and permitted. In like manner at this day with us there are divers causes for which the husband and wife may be devorced, as first *causa præcontractus*.

And therefore if a man marry with a woman præcontracted, and hath issue by her, this issue in law & in truth beares the surname of his father: but if after the husband & wife be devorced for the præcontract, there the issue hath lost his surname, & is become a Bastard, and *nullius filius*, *Co.lib.6. fol.66.*

And devorce may be *causa frigiditatis*, and therefore if a man be married to a woman, and after they are divorced *causa frigiditatis*, and then the man taketh another wife, and hath issue by her, yet this issue is lawfull, because that a man may be *habilis & inhabilis diversis temporibus*, & by the devorce *causa frigiditatis*, the marriage was dissolved, à *vinculo Matrimonii*, and by consequence either of them might marry againe, *Co. lib.5. fol.98. b.*

Also

Also a man may be deboyced, *Causa impubertatis*, or *Minoris etatis*, and in this case if two are married *Infra annos nubiles*, and after the full age deboyce is had between them, this dissolbeth the marriage, and the woman may arraigne an *Assise* against the husband, for the lands or tenements given with her in Frank-marriage, 19 lib. *Assise Pla. 2.* So deboyce may be had, *Causa professionis*, *causa consanguinitatis*, *causa fornicationis*, and for many other causes, which would be over long to be now recited.

And it is requisite, that in the sentence of Deboyce the cause thereof be shewed, because that some Deboyce dissolbeth the Matrimony, that is to say, A *vinculo Matrimonii* bastardeth the issue, & barreth the wife of dower, & some *A mensa & thoro*, the which dissolbeth not the Matrimony, nor barreth the woman of dower, nor bastardeth the issue.

And it is to be obserbed, that deboyce is a Judgement spirituall, and therefore if there bee cause, ought to be reversed in the Spirituall Court. See *Coke lib. 7. Kennes case.*

If a woman Copiholder of certain land, Durante viduitate sua, according to the custome of the Manors, soweth the land, and before the severance of the coine taketh a husband, the Lord shall have the Embleaments, and not the husband: But if a Lease be made to the husband & wife during the coverture, & the husband soweth the land, & afterward they are deboyced *causa Pracontractus*,

Auxy home poit estre devorce, *Causa impubertatis*, ou *Minoris etatis*, & en ceo case si deux sont espouse *Infra annos nubiles*, & apres le pleine age devorce soit prise inter eux, ceo dissolve l'espousals, & le fem poit suer un assise vers le baron, pur terres ou tenements donec oue luy en Frank-marriage, 19 lib. *Assise Pla. 2.* Issint devorce poit estre, *Causa professionis*, *Causa consanguinitatis*, *causa fornicationis*, & pur plusieurs autres mestres que serroit plus tedious destre jammes recite.

Et covient que en le sentence de Devorce le cause de ceo soit monstre, pur ceo que ascun Devorce dissolve le Matrimonie, cest adire, A *vinculo Matrimonii*, bastard l'issue, & barre le feme de dower: & descun A *mensa & thoro*, le quel ne dissolve le Matrimonie, ne barre le feme de dower, ne bastard le issue.

Et est destre observe, que devorce est judgment Spirituall, & pur ceo, sil soit cause, covient estre reverse en le Spirituall Court. Veies *Coke lib. 7. Kennes case.*

Si feme Copiholder de certaine fre Durante viduitate sua, selonq le custome del Mannor, emblea le fre, & devant le severance des embleaments prist baron, ore le Seignieur avera l'Embleaments, & nemy le baron: Mes si Lease soit fait al baron & feme, durant le coverture, & le baron emblea le terre, & puis ils sont divorce *causa Pracontractus*, le baron avera

The Exposition of

avera les Emblements & nemy le Lessor.

De son tort demesne.

DE son tort demesne, semble destre certaine parols de forme en un action d Trespasse, use per voy de reply al Plee del Defendaunt : Come si A. fust B. en un Action de Trespasse, B. respondue pur luy mesme, que il ad ceo fait que A. appel Trespasse, per le commaundement de C. son Maister ; A. dit arere que B. ad ceo fait de son tort demesne, sauns ceo q C. luy commanda modo & forma, &c.

Detinue.

Detinue est un Briefe que gist vers luy que ayant biens & chattels deliver a luy de garder, refusa de restorer eux arere. Vide de ceo, F. N. B. 138.

Dieu son act.

Dieu son act, ceux sont parols plusors foits use en nostre Ley, & la est un Maxime, Que le Act de Dieu serra prejudice a nulluy : Et pur ceo si Meafon eschiust per tempest ou auter Act de Dieu, le Lessor pur vie ou Lessor pur ans non solement serra quit en Action de Waste port vers luy ; Mes ad per le Ley un special interest a prendre le Merisme pur edifier le Meafon arere sil voit pur son habitation, *Coke, lib. 4. 63. & lib. 11. 82. a.*

En mesme le manner, quaut le Condition dun Obligation estoia sur deux parts en le Disjunctive, & ambideux sont possible al temps del obligation fait, & puis lun de eux deveigne impossible per Last de Dieu,

the husband shall have the Emblements, and not the Lessor,

De son tort demesne.

DE son tort demesne, seemeth to bee certaine wordes of forme in an action of Trespasse, used by way of reply to the Plee of the Defendant : As if A. sueth B. in an action of Trespasse, and B. answereth for himselfe, that he did this which A. calleth Trespasse, by the commaundement of C. his Maister, A. saith again, that B. did this of his owne wrong, without that that C. commanded him in such manner and forme, &c.

Detinue.

Detinue is a writ that lyeth against him, who having goods and chattels delivered to him to keepe, refuseth to deliver them againe. See hercof F. N. B. 138.

Dieu son act.

Dieu son act, these are wordes oftentimes used in our Law, and it is a Maxime, That the Act of God shall prejudice no man : And therefore if a house falleth downe by tempest, or other act of God, the Lessor for life or Lessor for yeeres shall not onely be quit in an action of Waste brought against him ; But hath by the Law a speciall interest to take timber to edifie the house againe if he will for his habitation, *Coke lib. 4. 63. & lib. 11. 82. a.*

In like manner, when the condition of an Obligation consisteth of two parts in the disjunctive and both are possible at the time of the Obligation made, and afterwards one of them becommeth impossible by the Act of God, the

the Obligor is not bound to performe the other part, for the condition shall be taken beneficially for him, *Coke lib. 5. 22.*

Diem clausit extremum.

Diem clausit extremum, is a writ, and it lyeth where the King's Tenant that holdeth in Chiefe dieth, this writt shall bee directed to the Excheator, to enquire of what estate he was seised, and who is next heire, and his age, and of the certainty of the land, and of what value the land is, and of whom it is holden, and the inquisition shall be returned into the Chancery which is commonly called, The Office, after the death of that person.

And there is another writ of Diem clausit extremum, awarded out of the Exchequer, after the death of an accountant or debtor of his Maiestie, to levis the debt of his Heire, Executor, Administrators, lands or goods.

Dicker.

Dicker is a word used in the Statute of 1. Jacobi cap. 22. and it signifies the quantity of ten hides of Leather. And it seems to come from the Greeke and Latine word Decas, which signifies ten in number.

Dies Datus.

Dies datus is a respit given to the Tenant or Defendant before the Court. Brooke Tit. Continuance.

Dignitie Ecclesiasticall.

Dignitie Ecclesiasticall is a phrase of speech used in the Statute of 26. H. 8. cap. 3. and by the Canonists is defined to be

le Obligor nest tenuis a performer l'auter part, car le condition serra prise beneficialment pur luy, *Coke lib. 5. 22.*

Diem clausit extremum.

Diem clausit extremum, est un Brieve, & gist lou Tenant le Roy, que tient en Chiefe mortuist, donque cest Brieve serra direct al Excheator d'enquiere de quel estare il fuit seisie, & que est prochein heire, & de quel age, & de la certaintie del terre, & de quel value le terre est, & de que ceo est tenuis, & cel inquisition serra returne en le Chancerie, & est communement appel, Le Office, apres le mort del tiel person.

Et est auter Brieve de Diem clausit extremum, agard hors del Exchequer apres mort del un accomptant ou debtor al Roy, a levier le debt de son Heire, Executor, Administrators, terres ou biens.

Dicker.

Dicker est un parol use en l'Estatute 1. Jacobi cap. 22. & signifie le quantite des dize hides de Cuir. Et semble de vener del Greeke & Latine parol Decas, que signifie dize en nombre.

Dies datus.

Dies datus est un respit done al Tenant ou Defendaunt devant le Court, Brooke Tit. Continuance.

Dignitie Ecclesiastical.

Dignitie Ecclesiastical est un phrase de parlance use en le Stat. de 26. H. 8. cap. 3. & per les Canonists est d'fine d'stre *Administrat*

The Exposition of

ministratio cum iurisdictione & potestate aliqua conjuncta;

Diocesse.

Diocesse est le circuit d'Jurisdiction d'chescun Eveſque, car cest royaume ad deux sorts de divisions, l'un en shires ou counties, & respect d' temporal policie, laus & diocesses, & respect d' Jurisdiction Ecclesiastical.

Dietā rationabilis.

Dietā rationabilis est ascun foits use pur le reasonable journey d'un jour, cōc *Bra. lib. 3. part. 2. cap. 16.* Il ad en le Civile Ley auters interpretations q̄ ne besoigne de stre cy insert. Veies *Vocabul. utriusque juris.*

Disabilitie.

Disabilitie est quaut home per ascun chose ou act, per luy mesme ou son ancestor fayt ou commit, ou pur ou per ascun autre cause est disable ou fait incapable a faire, de inheriter ou de prender benefit ou advantage d'un chose q̄ auterment il puit aver done ou fait.

Et pur ceo la sont plusors choses p̄ queux home poyt estre disable, & ceux sont communement, ou p' l' act del partie, ou son ancestor, ou p' l' act del Ley, ou p' l' act de Dieu.

Disabilitie per act del ancestor del partie, come si hōe soyt attaind de treason ou felonie, p̄ cest attainder son sangue est corrupt, & per ceo luy mesme & ses issues fayt incapable & disable d' inheriter.

Disability per l' act del partie mesme, come si home fait teoffment al autre home que a donq̄ est sole, sur condition, que il

Administration conioyned with power and jurisdiction.

Diocesse.

Diocesse is the circuit of the jurisdiction of every Bishop; for this realme hath two kindes of divisions, the one in shires or counties, in respect of the temporal policie, the other in diocesses, in respect of the Ecclesiastical jurisdiction.

Dietā rationabilis.

Dietā rationabilis is sometimes used for a reasonable dayes journey, as *Bra. lib. 3. part. 2. ca. 16.* It hath in the Civill Law other significations which need not to bee here mentioned. See *Vocab. utriusque juris.*

Disabilitie.

Disabilitie is when a man by any act or thing, by himselfe or his ancestor done or committed, or for or by any other cause is disabled or made incapable to doe, to inherit, or to take benefit or advantage of a thing, which otherwise he might have had or done.

And for this there are many things by which a man may be disabled, and those are ordinarly either by the act of the party, or his ancestor, or by the act of the Law or by the act of God.

Disability by the act of the ancestor of the party, as if a man be attaind of treason or felony, by this attainder his blood is corrupted, and thereby himselfe and his children made incapable, and disabled to inherit.

Disability by the act of the party himselfe; as if a man maketh a teoffment to another man that then is sole, upon condition that

that he shall infeoffe a third man before M. and before M. or the feoffment made, the feoffee taketh a wife, he hath by that disabled himselfe to performe the condition according to the trust in him reposed, and therefore the feoffor may enter and oust him, as it is Littlet. Sect. 357. So if the feoffee chargeth the land, or enters into a Statute Staple, or Statute Merchant, by these acts he hath disabled himselfe, and therefore the feoffor may enter as in the former case. So if I binde my selfe, that upon surrender of a lease I will grant a new estate to the Lessee, & afterwards I grant over my reversion, in this case although that I afterwards repurchase, & get the whole reversion to me againe, yet I have forfeited my obligation, because that I was once disabled to perform it, Co. li. 5. f. 21. Also if a man be excommunicated, he cannot during that time sue any action, but shalbe thereby disabled, Co. lib. 8. fol. 69. & so in many other cases.

Disability by act of Law is most properly when a man by the sole act of the Law, without any former thing by him done, is disabled, and so is Alien bozne. And therefore if a man bozne forth of the liegeance of our Lord the King, will sue any action real or personal, the Tenant or Defendant may say, that hee was bozne in such a county which is forth of the Kings liegeance, & demand iudgement if hee shall be answered, for the Law is our birth right, to which an Alien is collateral & a stranger, & therefore disabled to take any benefit thereby.

enfeoffer un tierce home devaunt M. & devaunt M. ou le feoffement fait, le feoffee prist femme, il ad p ceo luy disable d pformer le condition accordant al trust en luy repose, & pur ceo le feoffor poyt enf & luy ousta, come est Littl. Sect. 357. Issint si le feoffee charge le terre, ou enter en un Statute Staple, ou Statute Merchant, p ceux acts il ad luy m disable, & le feoffor pur ceo poyt enter, come en le prims case. Issint si Ieo moy oblige, & sur surrender d'un Lease Ieo voyle sayre un novel estate al Lessee, & puis Ieo granta ouster mon reversion, en ceo case, come que Ieo enapres ceo repurchase, & acquit tout le reversio a moy arere, uncof Ieo aye forseif mon obligation p ceo que Ieo suy un foits disable d ceo performer, Coke lib. 5. fol 21. Auxy si home soyt excomange, il ne poir durant ceo teps suer asc' action, mes lef p ceo disable, Co. l. 8. f. 69 & issint en plusors autres cases.

Disabilitie per act del Ley est plus propremt quaut home p le sole act d'l Ley, sauns asc' original ou prims chose p luy fayr, est disable, & issint est Alien nec. Et pur ceo, si home nec hors de la liegeance de noster Seignior le Roy, voile suer ascun action real ou personal, le Tenant ou Defendant poir dire, q il suit nec en tiel pais que est hors d la liegeance le Roy, & demand judgement sil serra respondue, car le Ley est nre birthright, & q un alien est collateral & estrange, & pur ceo disabl p pnder ascun benefit per ceo.

Per

The Exposition of

Per le act de Dieu, cõe destre *Non compos mentis* est un disabilitie en ascun cases, & en ascũ nemy, par que semble, que cest difference poit este prise, que en tous cases ou home de *Non compos mentis* done ou passe ascun chose ou estare hors de luy, la cœ poit apres son mort estre anient & fayt voyd, mes ou hœ de *Non sanz memorie* fayt un chose, p que riens pashors d luy, la il poit en ascuns especial cases estre iye : come si home d *Non sanz memorie* soyt lessce pur ans, rendant rent, & le lessor graunta le reversion, ore le lessce *Non compos mentis* ne poyt fayre Attournement, car cestuy que est *amens*, ou sauns ment, ne poyt fayre Attournement que est agreement, & uncof en tiel case si le lessor eiest luy, & fait feoffment, & puis le lessce de *Non sanz memorie* re-enter, cest act de re-entrie subject luy mesme al distresse & action de Waste.

Et est destre observe, que il est un maxime en la Ley, que hœ de plein age ne unques fetra receive a disabler son person demesne. Et cest disabilitie a disabler luy mesm, quant al ascuns persons est personal, & extend soleint al partie mesme, & qnt al aũs, nest psonal, mes lyera eux auxy. Et quant a cœ, saches q sont quater manner de privities, s. privies en sank, come heire, privies en representation, come Executors ou Administrators; privies en estare, come donee en tayle, le reversion ou remainder en fee, &c. & privies

By the act of God, as not to be of whole memory is a disability in some cases, and in others not, for which it seemeth that this difference may be taken, that in all cases where a man of no whole memory giveth or passeth any thing or estate out of him, there this after his death may be disannulled and avoided: but where a man of non sanz memorie doth a thing, whereby nothing passeth out of him, there he may in some especial cases be bound: as if a man of whole memory be lessce for years, rendering rent, and the lessor granteth the reversion, there the lessee of Non sanz memorie cannot make Attournement, for he that is amens, or without minde cannot make Attournement, which is agreement, & yet in such case if the lessor ejects him, and maketh a feoffment, and afterwards the lessee of Non sanz memorie re-enters, this act of re-entry doth subject him to the distresse and action of waste.

And it is to be observed, that it is a maxime in Law, that a man of full age shall never be received to disable his own person. And this disability to disable himselfe, as to some persons is personal, and extendeth only to the party himselfe, and as to other persons it is not personal, but shall binde them also. And as for this, know that there are four manner of privities, s. privities in blood, as heire; privities in representation, as Executors or Administrators; privities in estate, as donee in tail, the reversion or remainder in fee, &c. and privities

privities in tenure, as Lord and Tenant: & those of these that are privies only, may disable the person of the dead, which some of Non sanz memoria, or, &c. and shall avoid his debts, grants, or feoffments, and some of them not. For privities in blood may shew the disability of the ancestor, and privities in representation, the infirmity of their testator or intestate, but neither privie in estate, nor privie in tenure can so doe, *Cok. lib. 4. fo. 123. 124. See Litt. Sect. 405. & Cok. lib. 8. fo. 43.*

Disgrading.

Disgrading is when a man having taken upon him a dignity temporall or spiritual, for any honourable thing or other act by him done, or otherwise, is afterwards thereof deprived, be he Knight, Clerke, or other man. Wherefore if a Clerk be delivered to his Ordinary, & cannot cleere himselfe of the offence wherof he is convicted by the Jury, he shall be disgraded for it, which is nothing else but the deprivation of him from those orders he hath taken upon him, as Priesthood, Deaconship, or otherwise, *Stamf. Pl. Co. fo. 130. 138.*

In like manner there is disgrading of a Knight, as is aforesaid, *See Stow Annal. pag. 685.* Et est And it is worthy of the observati- on, that by the common Law there are two kinds of disgradings, the one summarie, by word only, and the other solemne, by denesting the party disgraded from those ornaments and rites which are the ensignes of his order or de- gree. *See 4. E. 4. 19. 20.*

en tenure, come Seignior & Te- nant: & deux de ceux que sont privies solemt, poyent disable le pson d'l mort, q ne fuit *Compos memis*, ou, &c. & avoidera les grants, faits, ou feoffments, & deux nemy. Car privies en sanke poient monstre le disa- bilitie del ancestor, & privies en representation, le infirmitie d'lour testator ou intestate, mes neq privie en estate, neq privie en tenure ceo ferra, *Coke li 4 fol. 123, 124. Veies Litt. Sect. 405. & Coke lib. 8. fol. 43.*

Disgrading.

Disgrading est quant un hom aymt prise sur luy on dig- nitie temporal ou ecclesiastical, pur alcun honorable chose ou aut meistre p luy faire, ou auter- mt, est enaps d' ceo deprive, soit il Chival, Clerk, ou aut homo. Pur que si un Clerk soit d'liver a son Ordinarie, & ne poir ac- quie luy mesme del pech d' que il fuit convict p le Jurie, il ferra pur ceo disgraded, que riens au- ter est forsque le deprivation de luy de ceux orders que il ad sur luy prise, come Priesthood, Deaconship, ou autermt, *Stamf. Pl. Co. fo. 130. 138.*

Et en mesme le manner la est disgrading un Chivaler, come est avauentdit. *Veies Stow An- nal. pag. 685.* Et est deigne l' ob- servation, que per le common Ley la sont deux sortes de dis- gradings, l'un summarie p pa- rol solement, & l'auter solemne, per devestant le partie disgrade de ceux ornaments & rites que sont les ensignes de son order ou degrec. *Veies 4. E. 4. 19. 20.*

Discent.

The Exposition of

Discent.

Discent est en deux sorts, ou lineal ou colateral: lineal discent est qnt l' discent est convey en mesme le lyne d' entiere sanke, come ayele, pere, fits, fits del fits, & issint debassa.

Colateral discent est dehors en un auter branche de haut dentier sangue, come le frere del ayele, frere del pere, & issint debassa.

Nora, que si un devie seisie en fee, ou en taile, de fre en que auter ad droyt de enfe, & ceo discent a son heire, tiel discent tollera l'entrie de cestuy que droyt avoyt d' enfe, pur ceo que le heire ad ceux per le discent d' son pierce, & issint vient a les tenements p' act de Ley, & cestuy que droit ad ne puit luy ouster per entrie sur luy, mes est mise de suer son brieve a demander le terre solonque le nature de son title. Veies de ceo, *Littleton lib. 3. cap. 6. & Stat. 3. Henrici octavi, cap. 33.*

Disclaimer.

Disclaimer est lou le Seignior distroyne son tenant, & il sua replevin, le Seignior pur avowa le prisel, per reason que il tient de luy, si le tenaunt dit, Que il disclaime de tener d' luy, cest appelle un disclaimer, & si le Seignior sur ceo port Brieve de droit, sur disclaimer, & il soit trove encounter le tenant, il perdra le terre. Auxy si un port un *Præcipe* vers deux auters, pur terre, & le tenant disclaime, & dit, que il nest de c' tenant, ne claine rien en ceo, donques l'auter ayera tout le

Discent.

Discent is in two sorts, either lineall or colateral: lineall discent is when a discent is conveyd in the same line of the whole bloud, as grandfather, father, son, sons son, and so downward.

Colateral discent is out in another branch becoming from above of the whole bloud, as grandfathers brother, fathers brother, and so downward.

Note, that if one die seised in fee or in taile, of land, in which another hath right to enter, & that descendeth to his heire, such discent shall take away the entrie of him which hath right to enter, for that that the heire hath them by discent from his father, and so came unto those tenements by the doing of the law, and he that hath right cannot put him out by entering upon him, but is put to shewe his right to demand the land according to the nature of his title. See heretofore in *Li. li. 3. c. 6. Stat. 3. H. 8. c. 33.*

Disclaimer.

Disclaimer is where the Lord distraines his tenant, and he sueth a replevin, and the Lord avoweth the taking, by reason he holds of him; if the tenant say, That he disclaimeeth to hold of him, this is called a Disclaimer, & if the Lord thereupon bring a writ of right, sur disclaimer, & it be found against the tenant, he shall lose his land. Also if one bringeth a *Præcipe* against two others for the land, & the tenant disclaimeeth & saith, that he is not thereof tenant, neith her claimeth any thing therein, then the other shall have the whole land.

land: but if the *Præcipe* be brought against one alone, & he disclaimeth as is aforesaid, the writ shall abate, and yet the Demandant may enter into the land, and hold it in his rightfull estate, although his entry was not lawfull.

And after that the tenant in action brought against him disclaimeth, hee shall not have a writ of error against his own disclaimer, because that by his disclaimer hee hath barred himselfe of the right of the land, for the words of the disclaimer of the tenant are, He hath not, neither claimeth he to have in the land, neither at the day of the bringing of the original writ aforesaid, &c. had or claimed, but any thing in the same land to have he disavoweth and disclaimeth; and against this he shall not have restitution by a writ of error. See *Coke lib 8. fo. 62.*

So if a Lord in case where hee may disclaim, disclaimeth in his Seigniorie in Court of Record, his Seigniorie by this is extinct, and the Tenant shall hold of the Lord next above him that so disclaimed. *Littleton Sect. 146.*

If lands be given to the husband and wife in taile by in fee, and the husband dieth, the wife cannot debeat the freehold out of her by any verball waiver or disclaimer in the country, as if before any entry made by her, shee saith, that she altogether waiveth and disclaimeth to the said estate, and will never sake nor accept thereof, yet the freehold remaineth in her, & she may enter when she pleaseth. So a charter of feoffe-

terre. Mes si le *Præcipe* soynt enuens un sole, & il disclame, come avaut est dit, le briefe abatera, & uncore le demaundant poyt enf en le fre, & ceo tenor en son droytural estate, coment son entrie ne fuit loyal.

Et apres que le tenant en un action port vers luy disclame, il navera Briefe de errour encounter son disclaimer, pur ceo que per son disclaimer il ad barre luy mesme del droyt del terre, car les parols del disclaimer del tenaunt sont, *Nihil habet nec habere clamat in terra illa, nec die impetrationis brevis originalis predicta, &c. habuit siue clamavit, sed aliquid in terra illa habere de advocat & disclamat;* & encounter ceo il navera restitution per Briefe de error. Veies *Coke lib. 8. fol. 62.*

Issint si un Seignieur, en case ou il poit disclame, disclame en son Seigniorie en Court de Record, son Seigniorie p ceo est extinct, & le Tenaunt tiendra del Seignieur prochein paramount cestuy q issint disclame. *Littleton Sect. 146.*

Si terres sont doné al baron & feme en taile ou en fee, & le baron morust, la le feme ne poit debeat le Franke-tenement hors de luy per ascun verbal waiver ou disclaimer en pais, come si devant ascun entrie fait per luy, el dit, que el ousterment waive & disclame al dit estate, & ne unques voyle prender ou accepter de ceo, uncore, le Franketenement remaine en luy, & el poit enter

R quany

The Exposition of

quaunt a luy pleist. Iſint un charter de feoffment fuit fait a quater, & ſeiſin fuit deliver a trois en noſine d̄ touts, & apres le ſeiſin fuit deliver, le quater vignant viewe le fait, & dit per parol, que il voile aver riens del terre ne agreea al fait, eins diſclaiima, & fuit adjudge que ceſt diſclaimer per parol en pais ne deveſtera le frank-tenement hors de luy, *Coke lib. 3. fol. 26.*

Discontinuance.

Discontinuance eſt quant un home alien a un auter terres ou tenements, & moruſt, & un auter ad droit a meſme le terres, & ne puit enter en eux per cauſe de cel alienation, ſi come un Abbot alien les terres de ſon meafon a un auter en fee, ou en fee taile, ou pur terme de vie, ou ſi un home alien les f̄res que il ad en droit ſa feme, ou ſi tenant en taile fait d̄ les terres done a luy & a ſes heires de ſon corps, aucun feoffment, don en taile, ou leas pur vie, nient garrant per Statute 32. H. 8. per ſine ou liverie d̄ ſeiſin, donq̄ tiels alienations ſont appels Diſcōtinuance, car tiels eſtates paſſont touts faits per liverie & ſeiſin, & en ceux caſes les ſuccesſors la Labbe, ne la feme apres le mort ſa baron, ne l' iſſue en le taile, apres le mort le tenant en le taile, ne ceux en remainder ou reverſion puis le ſine del eſtate taile ne poient entre, mes cheſcun d̄ eux eſt miſe a ſon action.

Et ſi come la eſt continuance d̄ poſſeſſion come eſt dit avant, iſint auxy la eſt diſcontinuance

neſt was made to ſoure, and ſeiſin was delivered to thres in the name of all, and after the ſeiſin was delivered, the fourth coming ſeeth the deed, and ſaith by ſword that hee will have nothing of the land: nor agree to the deed, but diſclaimeth, and it was adjudged, that this diſclaimer by ſword in the countrey ſhall not deſteſt the freehold out of him, *Coke lib. 3. fol. 26.*

Discontinuance.

Discontinuance is when a man alienateth to another lands or tenements, and dieth, and another hath right to the ſame lands, and may not enter into them, becauſe of his alienation, as if an Abbot alien the lands of his houſe to another in fee, or in fee taile, or for terme of life, or if a man alien the lands that he hath in the right of his wiſfe, or if tenant in taile maketh of the lands giben to him, and to the heires of his body, any feoffment, gift in taile, or leaſe for life not warranted by the Statute 32. H. 8. by ſine or libery of ſeiſin, then ſuch alienations bee called Diſcontinuance, for ſuch eſtates paſſe away by libery and ſeiſin, and in theſe caſes the ſuccesſors of the Abbot, or the woman after the death of her husband, or the iſſue in the taile after the death of the tenant in taile, nor they that have any remainder or reverſion after the end of the eſtate taile may not enter, but every of them is put to his action.

And as there is diſcontinuance of poſſeſſion, as is ſaid before, ſo alſo there is diſcontinuance

ance of proceſſe or plea, and this is when the iſtant is loſt and may not be taken againe, but by a new writ to begin the ſuit afreſh, for to bee diſcontinued, and to be put without day is all one, and nothing elſe but finally to be diſmiſſed the Court of that iſtance. *West. Part 2. tit. Fines, ſect. 115.* So Crompton in his *Jurisdiction*, fol. 121. uſeth it in theſe wordes. If a Juſtice ſeat be diſcontinued by the not coming of the Juſtices, the King may renewe it by his writ.

Also if the Juſtices of any Court doe not meet at the day and place appointed, then the cauſe ſhall be diſcontinued unto another day, as is in *Cok. lib. 1. fo. 38.* So if a man hath an action in the Court of the Marſhalles, and the King remembreth forth of the verge, the pleas ſhall bee diſcontinued, *Cok. lib. 10. fol. 73.*

See more hereof in *Lit. li. 3. c. 11. & 32. H. 8. c. 28.* which taketh away diſcontinuances by the husband ſeiſed in right of his wiſe.

Tythes.

Tythes are the tenth parts of any thing, but properly of thoſe things which doe increaſe, which for the moſt part doe belong to Miniſters of the Church for their maintenance, and they bee in three ſorts divided, to wit, Prediall Tythes, Perſonall Tythes, and mixt Tythes. Prediall Tythes are Tythes that be payed of things that come of the ground onely, as Coare, Hay, Fruits of trees, and ſuch like.

Perſonall Tythes are Tythes to bee payed of ſuch profits as

de proceſſe ou plea, & ceo eſt quant l' iſtant eſt perde, & ne poit eſtre priſe arere, mes per novel Brieſe a cōmencer le ſuit a novel, car deſtre diſcontinue & deſtre mis ſauns jour eſt tout un, & nient auterment que deſtre finalement diſmiſſe le Court de cel iſtant. *West. part. 2. tit. Fines ſect. 115.* Ilſint Crompton en ſon *Jurisdiction*, fol. 121. ceo uſe é ceux parolx. Si un Juſtice ſeat ſoit diſcontinue p le nient vener des Juſtices, le Roy poit c' renuer per ſon Brieſe.

Auxy ſi les Juſtices de aſcun Court, ne viendront al jour & lieu appoint, donque le cauſe ſerra diſcontinue tanque al auſ jour, come eſt en *Coke lib. 1. fo. 38.* Ilſint ſi home ad un action en le Court del Marſhalſie, & le Roy remove hors del Vierge, les pleas ſerront diſcontinue, *Coke lib. 10. fol. 73.*

Veies pluis de ceo en *Little. lib. 3. ca. 11. & 32. H. 8. ca. 28.* que tolle diſcontinuances p baron ſeiſie en droit ſon ſeme.

Diſmes.

Diſmes ſont les Diſme parts de aſcun choſe, mes proprement de ceux choſes que encreaſe, queux pur le pluis part preigne al miniſters Deſgliſe pur lour maintenāce, & ils ſont deuïdes en 3. ſorts, noſmement, Predial diſmes, Perſonel diſms, & mixt diſmes. Predial diſmes ſont diſmes que ſont paid de choſes queux vient de le terré ſolemēt, cōe blees, ſeing, fruites del arbres, & tiels ſemblables.

Perſonal diſmes ſont les diſmes q ſont paies de tiels profits que

The Exposition of

que veign p. le labor & industry del person d'un hōe, com p. emption, & venditiō, gain d' merchādis, & d' manuel, crafts Homes, Laborers, & tiels que labor pur salary, cōe Carpenters, Maçons, & tiels semblables.

Mixt disines sont les dismes d' Vitels, Agnes, Porcels, & tiels semblables, q̄ encrease partmēt del fre, sur q̄ ils sont d' pasture, & p̄mēt del garding, industrie, & diligence del owner.

Disparagement.

Disparagement est un hōte, disgrace, ou villanie fait per le Gardeine en Chivalrie, a son garde en Chivalrie, esteant deins age per reason de son marriage.

Cōe quant le Gardeine marrie son Warde deins age de xiv. ans, & deins tiel temps que il ne poit consent al mariage, al un niese, ou al file d' un que demurt en un Borough (que est destē entend tiels que peres, p. fesse mainecrafts, & tiels baser arts de emption & vendition pur gaine lour viver per ceo) ou al un que ad forsque un pee, ou un maine, ou est decrepit, ou deforme, ou aiant horrible disease, come le Leprosie, les pocks de Franks, Falling sicknesse, ou tiels semblables, ou marrie luy a un feme que est passē l' age d' infanter, & divers tiels autres, donques sur le complaint fait per les aimes de tiel heire, le Seignieur ou Gardein perdra le Gardship, & les p̄fits durant le nonage de le heire, pur ce hont fait a luy. Veies *List. Lib. 2. cap. 4.*

come by the labour and industry of a mans person, as by buying, selling, gathes of Merchandize, and of Handicrafts men, Labourers, and such as worke for hire, as Carpenters, Masons, and such like.

Mixt tythes are tythes of Calves, Lambes, Pigs, and such like, that increase partly of the ground that they be fed upon, and partly of the keeping, industry, and diligence of the owner.

Disparagement.

Disparagement is a shame, disgrace, or villany done by the Gardeine in Chivalrie to his Ward in Chivalrie, being within age by reason of his marriage.

As when the Gardeine doth marry his Ward within age of fourteene yeeres, and within such time as hee cannot consent to marriage, to a bondswoman, or to the daughter of one that dwelt in a Borough (which is to bee understood such whose fathers proffesse Handicrafts, and those baser arts of buying and selling to get their living by) or to one that hath but one foot, or one hand, or is lame, or deformed, or hath some horrible disease, as the Leprosie, Frenchpocks, Falling-sickness, or such like, or marieth him to a woman that is past childe-bearing, and divers such other, then upon the complaint made by the friends of such heire, the Lord or Gardeine shall lose the wardship, and the profits during the nonage of the heire, for the shame done unto him. See *Lit. lib. 2. cap. 4.*

Disseisin.

Disseisin.

Disseisin is when a man enters into any lands or tenements, where his entry is not lawful, and putteth him out that hath the freehold.

Disseisin upon Disseisin.

Disseisin upon disseisin, is when the Disseisor is disseised by another.

Disseisor and Disseisee.

Disseisor is he which putteth a man out of his land without order of the Law.

But the King cannot be said to be a Disseisor, and with this is a note in 1. E. 5. f. 8. that it was held that the King could not be termed one that did wrong, for if one will disseise another to the use of the King where the King hath no right, the King cannot be said a Disseisor.

Disseisee is he that is so put out of his land, and if such Disseisee levie a fine of the land, whereof he is disseised to a stranger, the Disseisor shall keep the land for ever, for the Disseisee against his own fine cannot claim, and the Conusee cannot enter, for the right which the Disseisee had was extinct by the fine, whereof the Disseisor shall take advantage: and so was the opinion, Cok. lib. 2. f. 56.

Disceit.

Disceit is a writ, and it is sometime originall, and sometime judiciall, but when it is originall, it lieth where any Disceit is done to a man by another, so that he hath not sufficiently performed his bargain, or not per-

Disseisin.

Disseisin est quaunt un home enter en aucun terres ou tenements, lou son entrie nest pas congeable, & ousta celuy que ad le frank-tenement.

Disseisin sur Disseisin.

Disseisin sur Disseisin, est quant disseisour est disseise pur un auter.

Disseisor & Disseisee.

Disseisor est celuy que mist aucun home hors de son terre sans order le Ley.

Mes le Roy ne serra dit destré un Disseisor, & oue ceo est un note en 1. E. 5. fol. 8. que fuit tenus que le Roy ne poit estre dit un que fist tort, car si un voet disseise un auter al oeps le Roy lou le Roy nad droit, le Roy ne poit estre dit disseisor.

Disseisee est cestuy que est mist hors de son terre, & si tiel Disseisee levie fine del terre, de que il est disseise al un estraunger, le Disseisor rereinera le fre a tous jours, car le Disseisee encont son fine demesne ne poit claime, & le Conusee ne poit enter, car le droit que le Disseisee ad fuit extinct per le fine, dont le Disseisor prendra advantage: & issint fuit l' opinion, Cok. li. 2. f. 56.

Disceit.

Disceit est un Brieve, & est aucun foits originall, & aucun foits judicial, mes quant il est original, gist lou aucun Disceit est fait a aucun home per un auter, issint que il nad sufficientment performe son bargain, ou

The Exposition of

nient perſorme ſon promiſe, donq̄s celuy q̄ eſt en tiel maner diſceiue a vera eſt Briefe.

Auxy quaunt ceſt Briefe, eſt judicial, il giſt ou *Scire Facias* eſt ſue hors de aſcun recorde vers un, & le Viſcount retourne que il eſt garnie, ou il ne fuit garnie, ou lou un *Præcipe quod redda*, de plee de terres, ou *Quare impedit*, del preſentment al Eſgliſe eſt ſue vers un, & le Viſcount retourne que le Defendant eſt ſummon, lou il ne fuit ſummon, per quel diſceit & faux retourne le Demandaunt ou Plaintiſe recouer, donques le partie greeve a vera ceſt Briefe vers luy que recouera, & vers les ſummoners, & vers le Viſcount, & donques le Briefe ſerra direct al Coroners de meſme le Countie, ſi il continue Viſcount que fiſt le retourne.

Iſſint ſi home fait Attorney en un action real port vers luy, & puis eſt agree per covin perenter le Demandaunt & le dit Attorney, que l'Attorney ſaiera default q̄ iſſint fait accordant, p̄ q̄ le tenant perde ſon fre, donq̄ meſme le tenant que perda le fre poit aver un Briefe de Diſceit envers l' Attorney.

Auxy ſi home port action de Treſpaſſe vers deux auters, & le Plaintiſe & un Attorney per covin agree perenter eux, cauſaunt deux eſtrangers nient parties al Briefe a vener en le Court, & dire que ils ſount meſme les deux Defendants noſme en le Briefe, & q̄

ſozmed his promiſe, then he that is in ſuch manner deceived ſhall have this writ.

Alſo when this writ is judicial, it lyeth where a *Scire Facias* is uſed out of any record againſt a man, and the Sheriſſe returneth, that he is ſwarned where he was not ſwarned, or where a *Præcipe quod reddat*, of a plee of lands, or a *Quare impedit*, of the preſenting to a Church is ſued againſt one, and the Sheriſſe returneth that the Defendant is ſummoned, where he was not ſummoned, by which diſceit and falſe returns the Demandaunt or Plaintiſe recouereth, then the party grieved ſhall have his writ againſt him that recouered, and againſt the ſummoners, & againſt the Sheriſſe, and then the writ ſhall be directed to the Coroners of the ſame County, if he continue Sheriſſe that made the returne.

So if a man maketh an Attorney in an action real brought againſt him, and afterwards it is agreed by diſceit between the Demandaunt and the ſaid Attorney, that the ſaid Attorney ſhall make default, who doth ſo accordingly, whereby the tenant loſeth his land, then the ſame tenant that loſeth the land may have a writ of Decett againſt the Attorney.

Alſo if a man bringeth an action of Treſpaſſe againſt two others, and the Plaintiſe and an Attorney by decett agreed between them cauſe two ſtrangers not parties to the writ to come into the Court, and ſay that they are the ſame two Defendants named in the writ, and that they appoint

Appoint the same man to be their Attorney in that suit, whereupon the same Attorney as Attorney to the Defendants named in the writ, pleadeth to the issue, and after suffers the issue to passe by his default, by which meanes the plaintife recovereth: In this case these that are indeed Defendants may have a Writ of Deceit against the same Attorney that appeared as Attorney for them, and shall recover their damages, *Fitz. Nat. Bre. 96.*

And as the Law punisheth her Officers, as Sergeants, Pleaders, Philoſers, Exigeters, Attornies & others, so she renounceth and condemneth all acts of greatest importance if they be intermixt with deceit and falshood, As if a fine be levied by deceit, and five yeeres past: See that by the Statute of 4.H.7.cap.24. all persons and their rights shall be barred thereby, yet for that it was by deceit, the fine shall be avoided, as is adjudged in *Cok. lib.3. fol. 77.* In the same manner if one recover by Deceit, the recovery for this shall be frustrated and made void, 3.Ed.3.28. So if a woman that hath good cause to be endowed, will by deceit have the tenant to be disseised, & after recovers her dower by a Writ of dower against the disseisor, yet shee shall be adjudged in possession against the disseisee but as a disseisoresse, in respect of the deceit, *Co. li. 5. fo. 35.*

Distresse.

Distresse is the thing which is taken and distrained upon any land for rent behinde, or other

ils designe mesme le home destre leur Attourney en cel suit, sur q mesme l' Attourney come Attourney al Defendants nosm en le Brieſe plectont al issue, & puis suffront l' enquest a passer per son default, per quel meanes le plaintife recover: En cest case ceux que sont voyerment Defendants, poyent auer un Brieſe de Deceit enus mesme l' Attorney q appearust come Attorney pur eux, & recuperont leur damages, *Fitz. Nat. Bre. 96.*

Et sicome le Ley punie son Officers, come Sergeants, Pleaders, Philoſers, Exigeters, Attourneyes, & aufs, issint il reiect & dampe tous acts del pluis graund importance, sils sont enterlayse oue deceit & fauxity, Come si un fine soit levie p deceit, & cinque ans passe: Veies de ceo per le Statute de 4. *Henr. sept. ca. 24.* tous persons & leur droyts serrount per ceo barre, uncore pur ceo q fuit p deceit, le fine serra avoyde, come est adjudge en *Cok. lib. 3. fol. 77.* En mesme le maner, si un recover terre per Deceit, le recovery p ceo serf anient & fait void, 3.E.3.28. Issint si feme q ad bon cause destr endow, voyle p desceit auer le teint destr disseise, & puis reeoü sa dower p Brieſe d dower enuers le disseisor, uncore il serra adjudge en possession enuers le disseisee fors q come un disseisoresse, en respect d l desceit, *Co. li. 5 f. 31.*

Distresse.

Distresse est le chose que est prise & distreine sur ascun ere pur rent arere, ou pur auter

The Exposition of

dutie, ou pur torte fait, coment
 que le propre de chose soyt per-
 teygne al estraunge: mes si sont
 avers q̄ perteygne al estraunge,
 il covient que ils sont levant &
 couchant sur mesme l' fre, cest
 adir', que les avers avoient este
 sur le fre p̄ certain space, q̄ ils
 ont eux bien repose sur la fre,
 ou auſment ils ne sont distrein-
 able pur rent ou service.

Et si un distreigne pur rent
 ou auter chose, sauns cause
 loyall, donques le partie grieve
 avera un replevin, & sur suretie
 trove de pursuer son action, a-
 vera le distresse a luy redeliver.
 Mes sont diūs choses q̄ ne sont
 distreinable, viz. roabe de auter
 home en le meason de un Tay-
 lour, ou drape en le meason de
 un Fuller, Sheereman, ou Wea-
 ver, p̄ ceo q̄ ils sont common
 Artificers, & que le common
 p̄sumption est, que tiels choses
 ne sont perteygnout al Artifi-
 cer, mes al auters persons que
 eux mittont la a overer.

Auxy viand̄ nest passe di-
 streinable, ne blees é sheves, fi-
 non q̄ ils sont en un chariot, p̄
 ceo que distresse covient este
 tous soyts de tiel chose d̄ ont le
 Viscount poet faire replevin, &
 redeliver en auxy bon cas̄ q̄ il
 fuit al temps del prisel

Auxy home poit distreigne pur
 homage de son Tenaunt, pur
 fealtie & escuage, & auter ser-
 vices, & pur fines & amercia-
 ments q̄ sont assesse en un Leet,
 mes nēy é un Court Baron: &
 auxy pur damage feasant, cest as-
 cavoire, quāt il troue les beasts
 ou biens d̄s auſs feasant tort ou

duty, or for hurt done, although
 the property of the thing belong-
 eth to a stranger: but if they bee
 beasts that belong to a stranger. it
 behoveth that they were levant and
 couchant upon the same ground,
 that is to say, that the beasts have
 bin upō the ground a certain space,
 that they have themselves well
 rested there, or else they be not di-
 streinable for rent or service.

And if one distreine for rent,
 or other thing without cause law-
 full, then the party grieved shall
 have a replevin, and upon surety
 found to pursue his action, shall
 have the distresse to him deliv-
 ered againe. But there be divers
 things that bee not distreinable.
 viz. another mans goſone in the
 house of a Tailor, or cloth in the
 house of a Fuller, Sheerman, or
 Weaver, for that they be common
 Artificers, and that the common
 p̄sumption is, that such things
 belong not to the Artificers, but
 to other persons which put them
 there to be wrought.

Also bitnall is not distreinable
 nor cozne in sheaves, but if they
 be in a cart, for that that a di-
 strelle ought to be alwayes of such
 things whereof the Sheriffe may
 make replevin, and deliver again
 in as good case as it was at the
 time of the taking.

A man may distreine for ho-
 mage of his Tenant, for fealty
 and escuage, and other services,
 and for fines and amerciaments
 which bee assessed in a Leet, but
 not in a Court Baron: and also
 for damage feasant, that is to
 say, when he findeth the beasts
 or goods of any other doing hurt

oz incumbering his ground. But a man may not distreine for any rent, oz thing due for any land, but upon the same land that is charged therewith: But in case where I come to distreine, and the other seeing my purpose, chaseth the beasts, oz beareth the thing out, to the intent that I shall not take it for a distresse upon the ground, then I may well pursue, and if I take it presently in the highway, oz in anothers ground, the taking is lawfull as well there, as upon the land charged, to whomsoever the property of the goods be.

Also for fines and amercia-ments which be assessed in a Leet, one may alway take the goods of him that is so amerced, in whose ground soever they be within the jurisdiction of the Court, as it is said.

And when one hath taken a distresse, it behobeth him to bring it to the common Pound, oz else hee may keepe it in an open place, so that hee give notice to the party, that he (if the distresse be a quicke beast) may give to it food, and then if the beast die for default of food, hee that was distreined shall be at the losse, and then the other may distreine againe for the same rent oz dutie. But if he carry the distresse to a Hold, oz out of the County, that the Sheriffe may not make deliverance upon the replevin, then the party upon returne of the Sheriffe shall have a writ of *Withernam* directed to the Sheriffe, that he take as many of his beasts, oz as much goods of the other in his keeping, till he hath made deliverance

incumbrant son tre. Mes home ne poit distreine pur aucun rent, ou chose due pur aucun terre, mes sur mesme le terre que est charge ovesq; c': Mes e case lou Jeo veygne a distreyner, & l'auē veyant mon purpose chaise les beasts, ou port le chose dehors, al entent q Jeo ne prendra ceo p un distresse sur le terre, donqs Jeo poy bien pursue, & si Jeo prise ceo maintenant en le hault chemin, ou en auter soile, le prisel est loyal, auxy bn la come sur la terre charge, a qcunq; la properties des bns sont.

Auxy pur fines & amercia-ment que sont assesse en un Leet, un poyt tous foyts prendre les biens celuy que est issint amercee, en quecunque foyle que ils sont deins le jurisdiction del Court, ut dicitur.

Et quaut un ad prise un distresse al covient luy d amesner ceo al common Pound, ou auterment il poyt garder en overte luy, issint que il done notice al partie, que il (si le distresse soit viue avers) poit doner a luy viand, & donques si l' auers morust pur default de viand, celuy q fuit distreyne serra a le pard, & donques l'auē poyt distreyne auter foyts pur mesme le rent ou dutie. Mes sil amesna le Distresse a un forlet, ou hors del Countie, q le Viscount ne poyt bien faire deliverance sur replevin, donques le partie sur le returne del Viscount, avera un Brieve d *withernam*, direct al Viscount, que il prendra tant de ses avers, ou tant des biens l' auter en son garde, tanq; il ad fait deliverance

The Exposition of

deliverance de le prim Distresse. Auxy si sont en un fortlet ou castle, le Viscount poyt prendre oue luy le power del Countie, & abater le castle, come appiert p le Statute de *Westmon.* 1. cap. 17. *Ideo vide Statutum.*

Districtus.

Districtus est ascun foyts use pur le circuit ou territoire, deins quel hœ poyt tielsmt estre compel d appearer, *Brit. c. 120.* & insint auxy est *Districtio* en le *Regist. Orig. fol. 6. b.* Distresse en le prim signification est divid primermt en finite & infinite, finite est ceo que est limit p Ley, que tost il serra fait a traher le partie al trial del action, come un foyts ou deux foits, *Veiel N.B. fol. 43.* Distres infinite est sans limitation tanque le partie vient, cœ vers un Jurie q refuse d appearer sur le certificate d assise, le proces est un *Venire facias, habeas corpora*, & distresse infinite, *Veiel N.B. fol. 113.*

Donque il est divide en le grand distresse, come *Ann. 52. H. 3. cap. 7.* que *Fitzh.* appel en Latine, *Magnam districtionem*, *Nat. Bre. 126. a.* & un ordinarie distresse. Un graund distresse est ceo que est fayt de tous les biens & chattels que le partie ad deins de Countie, *Brit. c. 6. f. 52.* mes quare ou il ne soit ascun foyts tout un oue un distres infinite. *idem fol. 80.* oue q auxy le statute d *Marlebridge* semble d agreer, *an. 52. H. 3. c. 7. 9. & 12.* Veies le *Veiel N.B. fol. 71. b.*

Distringas.

Distringas est un Brieve direct al Viscount ou ascun

of the first distresse. And also if they be in a fortlet or castle, the Sheriffe may take with him the power of the Countie, and beat downe the Castle, as appeareth by the Statute of *West.* 1. cap. 17. Therefore looke the Statute.

Districtus.

Districtus is sometimes used for the circuit or territory, within which a man may be thus compelled to appear, *Brit. cap. 120.* and so also is *Districtio* in the *Reg. Orig. fo. 6. b.* Distresse in the former signification is divided first into finite and infinite, finite is that which is limited by Law, how often it shall be made to bring the party to tryall of the action, as once or twice, *Old Nat. Brev. fol. 43.* Distresse infinite is without limitation untill the party comes, as against a Jurie that refuseth to appear upon certificate of assise, the proces is a *Venire facias*, *habeas corpora*, and distresse infinite, *Old N.B. fol. 113.*

Then it is divided into the grand distresse, as *an. 52. H. 3. ca. 7.* which *Fitzh.* calleth in Latine, *Magnam districtionem*, *N.B. 126. a.* and an ordinary distresse. A grand distresse is that which is made of all the goods and chattels which the party hath within the Countie, *Brit. cap. 6. fol. 52.* but so whether it be not sometimes all one with Distresse infinite, *idem fol. 80.* with whom also the Statute of *Marlebridge* seemeth to agree, *an. 52. H. 3. ca. 7. 9. & 12.* See the *Old N.B. fol. 71. b.*

Distringas.

Distringas is a writ directed to the Sheriffe or any other officer,

officer, commanding him to distreine for a debt to the King, &c. or for his appearing at a day. See the great diversity of this word in the table of the Regist. Judicial, verbo Distingas.

Dividend.

Dividend is a word used in the Statute of Rutland, Ann. 10. Ed. 1. where it is provided, that the Chamberlaines of the Exchequer shall not make to the Sheriffes or any of their Baylives, Dividends, unless they first receive of them particulars, in which particulars he would have such Dividends parted, &c. See Ann. 28. ejusd. Stat. 3. cap. 2.

Docket.

Docket is a little pece of paper or parchment written, that containeth in it the effect of a greater writing. See the Statute 2. & 3. P. & M. cap. 6. M. West. part. 2. tit. Fines, Sect. 106. calleth it Dogget.

Dogge-draw.

Dogge-draw is an apparant deprehension of an offender against venison in the forest: there are foure kindes of them observed by M. Manwood. part. 2. cap. 18. numero 9. of his Forrest Lawes, that is to say, Dog-draw, Stable-stand, Back-beare, and Bloudy-hand. Dog-draw is when one is found drawing after a Deere by the scent of a hound that he leadech in his hand.

Dogger.

Dogger is a kinde of Ship, Anno 31. Edward 3. Stat. 3. cap. 1. Doggerfish, ibid. cap. 2. seemes to be fish brought in those Ships to Blackney haven, &c.

auter officer, luy commandant a distreiner un p un debt al Roy, &c. ou pur son apparance al un jour. Veies le graund diversitie d cest Briefe en le table del Register judicial, verbo Distingas.

Dividend.

Dividend est un parol use en le Statute de Roteland, An. 10. Edm. 1. ou est provide, que les Chamberlaines del Eschequer ne poyent faire al Viscounts ou ascun de lour Baylives, Dividends, si non ils primerment receive d eux particuliers, en aux particulars il voile auer tiel Dividends seu, &c. Veies Ann. 28. ejusd. Stat. 3. cap. 2.

Docket.

Docket est un petit quantite d paper ou pchment escrie, que contein en luy l'effect de plus grand escript. Veies l'estat. de 2. & 3. P. & M. c. 6. M. west. part. 2. tit. Fines, Sect. 106. appelle ceo Dogget.

Dogge-draw.

Dogge-draw est un manifest deprehension d'un offendor enuers Venison en le Forest: la sont quater sortes de ceux note per M. Manwood, part. 2. cap. 18. num. 9. de ses Forrest Leyes, cestascavoir, Dogge-draw, Stable-stand, Back-beare, & Bloudy-hand. Dogge-draw est qnt un est troue trahat apres un dame, p le sent d'un Brache que il tient en son maine.

Dogger.

Dogger est un sort de Niese, Anno 31. Edm. 3. Stat. 3. cap. 1. Doggerfish, ibid. c. 2. semble destre pissons port en ceux Nieses al Blackney Haven, &c. Dog-

The Exposition of

Doggermen, An. 2. H. 8. cap. 4.

Domo reparanda.

Domo reparanda est un Briefe, & gist pur un enuers son vicine, per le chier de quel maison il suppose aucun leid voile happer a son maison de mesne, *Reg. Orig. fol. 123.*

Dole-fish.

Dole-fish semble destre ceux pissons que les fisher homes annualment employ en le North mere, de custome receivont pur leur allowance. Veies le Statuſ, *An. 35. H. 8. cap. 7.*

Donative.

Donative est un Benefice merement done & collate per le Patron a un home sans ou presentation al Ordinarie, ou institution per le Ordinarie, ou induction per son commaundement, *F. N. B. 35. e.* Veies le Statute de *8. R. 2. cap. 4.* *Peter Gregor. de Benefic. c. 11. num. 1.* ad ceux parols: *Si tamen Cappelle fundata per Laicos non fuerint à Diocesano approbata, & ut loquuntur, spiritualizata, non censentur Beneficia, nec ab Episcopo conferri possunt, sed sunt sub pia dispositione fundatoris.* Pur que les founders & leur heires poient doner tiels Chappels fils voilont, sauns l' Evesque.

Monſieur Gwyn en le Preface a ses Lectures dit, Que le Roy puit d' veiel temps founder un frank Chappel, & ceo exempter del jurisdiction d' l' Diocesan: Isint auxy il puit p ses Letters Patents doner congee a un common person de founder tiel Chappel, & de ordeigner, q

Doggermen, An. 2. H. 8. cap. 4.

Domo reparanda.

Domo reparanda is a Writ, and lyeth for one against his neighbour, by the fall of whose house he feareth some hurt will bee to his owne house, *Reg. Orig. fol. 153.*

Dole-fish.

Dole-fish seemeth to bee those fishes which the fisher-men yearly employed in the North seas, doe of custome receive for their allowance. See the Statute, *Ann. 35. H. 8. cap. 7.*

Donative.

Donative is a Benefice merely giben and collated by the Patron to a man, without either presentation to the Ordinarie, or institution by his Ordinarie, or induction by his commandement, *F. N. B. 35. e.* See the Statute of *8. R. 2. cap. 4.* *Peter Gregorie de Beneficiis cap. 11. num. 1.* hath these words: But if Chappels founded by Lay men were not approved of by the Diocesan, and as they terme it, spiritualized, they are not accounted Benefices, neither can they bee conferred by the Bishop, but remaine to the pious disposition of the founders. Wherefore the founders and their heires may give such Chappels if they will without the Bishop.

Monſ. Gwyn in the Preface to his Readings saith, That the King might of ancient time found a free Chappell, and exempt it from the jurisdiction of the Diocesan: So also hee may by his Letters Patents give licence to a common person to found such a Chappell, and to ordaine that it

it shall be Donative, and not presentable, and that the Chapleine shall be deprivable by the founder or his heire, and not by the Bishop, and this seemeth to be the originall of Donatives in England, Fitz. saith, fol. 33. c. That there are some Chauntries which a man may give by his Letters Patents.

And all Bishopricks were of the foundation of the Kings of England, and therefore in the ancient time they were Donative, and given by the Kings, yet now the Bishopricks are become, by the graunts of the Kings, eligible by their Chapter, Coke lib. 3. fol. 76.

Doomes day.

Doomes day is a Booke that was written in the time of S. Edward the Confessor, as it is old N.B. fol. 15. and before in the title of Ancient Demesne, containing in it not onely all the lands through England, but also all the names of those in whose hands they were at that time when the Booke was made: M. Lambert proveth, That this booke was made in the time of William the Conquerour, with whom M. Camden in his Brittan. pa. 94. agreeth, proving it out of Ingulphus that flourished the same time. Who touching the contents thereof hath these words: It describeth the whole land; neither was there one Hide in all England, whose value and possessor was unknowne, neither any poole nor place not described in the Kings Roll, and the rent, profits, possession it selfe and possessor

il serra Donative, & nient presentable, & que le Chapleine serra deprivable per le founder & ses heires, & nemy per le Evesque, & ceo semble destre le original de Donatives en Engleterre, Fitz. dit, fol. 33. c. Que la sont ascuns Chauntries que home poit doner per ses Letters Patents.

Et tous Evesqueries fueront del foundation de Royes D'engleterre, & pur ceo en ancient temps ils fueront Donative, & dones per les Royes; uncore jammes les Evesqueries sont deveigne, p les grants del Royes, eligible per leur Chapitre, Co. lib. 3. fol. 76.

Doomes day.

Doomes day est un lieu que fuit escrie en le temps de S. Edward le Confessour, come est viel N.B. fol. 15. & devant en le title *Auncient Demesne*, contenant en c' non solement tous les terres per Engleterre, mes auxy tous les nommes de ceux e queux maines ils fueront a cel temps qnt le lieure fuit fait M. Lambert prova, Que cest lieu fuit fait en le teps d' *Guliesme* le Conquerer oue que Monsieur Camden en son Brittan, pag. 94. agreea, ceo provant hors de Ingulphus que flourie mesme le temps, que touchant le contents d' ceo ad ceux parolx: *Totam terram descripsit; nec erat Nida in tota Anglia, quin valorem ejus & possessorem scrivit, nec lacus nec locus aliquis quin in Regis rotulo extitit descriptus, ac ejus redditus & proventus, ipsa possessio & ejus possessor*

The Exposition of

*feffor Regie notitie manifesta-
tus, juxta Taxatorum fidem, qui
electi de qualibet Patria Terri-
torium proprium describebant.
Iste Rotulus vocatus est Rotu-
lus Wintonie; & ab Anglia
pro sua generalitate, quod om-
nia Tenementa totius terre con-
tinuit, Doomes Day cognomina-
tur. Et cest Lieure est ascun
foits appel Liber Judicatorius,
quia in eo regni descriptio dili-
gens continetur: & tam de
tempore Regis Edward', quam
de tempore Regis Gulielmi, sub
quo factus est, singulorum fundo-
rum valentia exprimitur.*

Dorture.

Dorture est un cōmon roome,
lieu, ou chambf. lou tous les
Friers d'un covent dormōt & gi-
serōt tout le nuit, *an. 25. H. 8. c. 11.*

Donor & Donec.

Donor est celuy que done
terres ou tenements al autre
en taile, & celuy a que il est
done est appel le Donec.

Double plee.

Double plee est lou le defen-
dant ou tenant en ascun
action plede un plee, en q̄ deux
matters sont comprehendus, &
chescun per luy meisme est un
sufficient barre ou respons al
action, donques tiel double plee
ne serra comit pur plee, sinon
que un depend sur l'auter, & en
tiel case si il ne poit aver le d̄
arrayne plee sans le primer plee,
donques tiel double plee serra
bien suffer.

Double quarel.

Double quarel est un com-
plaint fait per asc' Clerk ou
auter, al Archievesque del Pro-

not made knowne to the King
according to the fidelity of the
Taxors, who described the same
Countrie wherein they were ele-
cted. That Roll is called *Rotulus
Wintonie*; and of the English for
it's generalitie, for that it contain-
eth all the tenements contained
throughout the land, it is surna-
med *Doomes day*. And this Booke
is sometimes called *Liber Iudica-
torius*, because in it is contained a
diligent descriptio of the Kingdom,
and expresth the value of all the
ground therof, aswell in the time of
K. Edward, as in the time of K. Wil-
liam, under whom it was compiled.

Dorture.

Dorture is a common rooms,
place, or chamber, where all the
Friers of one covent slept and lay
all night, *Ann. 25. H. 8. cap. 11.*

Donor and Donec.

Donor is he which giveth lands
or tenements to another in
taile, and he to whom the same is
given is called Donec.

Double plee.

Double plee is where the De-
fendant or Tenant in any
action pleadeth a plee, in the
which two matters be compre-
hended, and every one by himselfe
is a sufficient barre to answer to
the action, then such a double plee
shall not be admitted for a plee,
except one depend upon another,
and in such case if he may not
have the last plee without the first
plee, then such a double plee shall
be well suffered.

Double quarel.

Double quarel is a complaint
made by any Clerke or o-
ther to the Archbishop of the
Province

Province against any inferior Ordinary, for delaying of Justice in any cause Ecclesiasticall, as to give sentence, or to institute a Clerke presented, or such like, the effect of which is, That the Archbishop taking knowledge of such delay, directeth his letters under his authentick seals to all and singular Clerks of his Province, thereby commanding and giving authority to them and every of them to admonish the said Ordinary within nine dayes to doe the justice required, or otherwise to cite him to appeare before him or his Officiall at a day in the said letters prefixed, and there to alleadge the cause of his delay: And lastly to intimate to the said Ordinary, that if hee performeth not the thing enjoyned, nor appeareth at the day assigned, hee himselfe without other day will proceed to performe the Justice required. And it seemeth to bee called a double Quarrell, because that it is most commonly made against the Judge, and him at whose request Justice is delayed.

Dower.

Dower by the Law of the Realme, is a portion which a widow hath of the lands of her husband, which by the Common Law is the third part, and by her husbands assignment by his fathers assent at the Church doore she may have so much of his fathers lands, as is so assigned, and so of the husbands assignment of part of his owne land. And Dower by the custome of some places is to have

viance enus asc' inferior Ordinarie pur d'laier d' justice en aucune cause Ecclesiasticall, come a doner sentece ou d' instituter un Clerke presentus, ou tiels semblables, l'effect de que est, q' l' Archievesq; prendat conusance de tiel delay, directra ses letters sous son seale authentiq; a tout & singular Clerks d' son Province, p' ceo'eux comendant, & donaunt eux autoritie & chesc' d' eux d' admonisher le dit Ordinarie deins neuse jours a faire le justice demand, ou autrement d' citer luy d' appaerer devant luy ou son Official al un jour en les dit letrs praxix, & la d' alledger le mestre d' son d'lay: Et denierment le intimer al dit Ordinarie, que sil ne performa pas le chose enjoine ne apparust al jour assigne, il luy mesme sans auter delay procederoit de performer le Justice require. Et ceo semble destre terme un double querelle pur ceo que est pluis communement fait enuers le Iudge, & celuy a que petition Justice est delay.

Dower.

Dower per le ley del Realme, est un portion que feme ad del terres del baron, quel per Common Ley est le tierce part, & per assignement del baron per assent son pere al huis del Esglise, poir aver tant del terre son pere come est issint assigne, & issint del assignement son baron depart son terre demesne. Et Dower per custome de ascun lieux est de auter le moitie del terre le baron.

The Exposition of

baron. Et auxy Dower est un Briefe, & gift lou home est sole seisie durant le couverture p enter luy & sa feme, de terres ou tenements en fee-simple ou fee-taille, lou per possibilitie le issue enter eux poyent enheriter, si tiel home devie, sa feme recovers le tierce part d tous les terres dont le baron fuit sole seisie aucun temps durant le couverture per Briefe de *Dower unde nihil habet*, mesque il ne morust seisie, & mesque il ad fait alienation de ceo en sa vie.

Mes si home devant le Statute de Uses, 27. H.8. ad terres, en queux auſ home, ou auſ homes fueront seises a son oepe tous foits durant le couverture, & cestuy a q oepe ils fuerount seises devie devaunt le dit Statut, sa feme ne serroit endow.

Et auxy si devaunt le dit Statute deux homes sont seises de terre al oepe de un de eux, & cesty a que oepe, &c. devie devaunt le dit Statute, sa feme ne serra endowe. Auxy si feme port Briefe de Dower, el recovers damages, pur le profit incurrus apres le mort la baron, sil morust de ceo seisie: mes si aucun alienation ou estate soit fait durant le couverture, issint que le baron ne morust seisie, donques mesque el recovers la terre, uncoſ el ne recovers damages.

Auxy il est un auter Briefe de Dower, appel Briefe de Droit de Dower, & gift lou feme ad recover part de sa Dower en mesme la Ville, &

halfe the husbands lands. And also Dower is a writ, & it lyeth where a man is sole seised during the couverture betweene him & his wife, of lands or tenements in fee-simple, or fee-taille, where by possibility the issue betweene them may inherit, if such a man dye, his wife shall recover the third part of all the lands whereof the husband was sole seised any time during the couverture by a Writ of Dower unde nihil habet, though he dyed not seised, and though that he made alienation thereof in his life.

But if a man before the Statute of Uses, 27. H.8. had lands, in the which another man, or other men were seised to his use alwaies during the couverture, and he to whose use they were seised, dyeth before the said Statute, his wife shall not be endowd.

And also if before the said Statute, two men be seised of lands to the use of one of them, and her to whose use, &c. dyeth before the said Statute, his wife shall not be endowd. Also if a woman bring a writ of Dower, she shall recover damages, for the profit run after the death of her husband, if he dyeth seised thereof: but if any alienation of estate were made during the couverture, so that the husband dyed not seised, then though she shall recover the land, yet she shall recover no damages.

Also there is another Writ of Dower, called a writ of Right of Dower, and it lyeth where a woman hath recovered part of her Dower in one Towne, & the other

either part she is to recover. Also in others cases a woman shall not have dower, as if the husband comit treason for the which he is attainted, then his wife shall have no Dower.

Also if she go away from her husband with another man in adultery, and if she be not reconciled to her husband of his owne will without coercion of the Church, she shall not be endowed. See Litt. l. i. c. 4.

And so note where in the Civil Law, Dower is that which the husband hath with his wife for the marriage, to maintaine the married estate, by the Lawes of the Realme, by the word Dower) is meant such portion as the wife after her husbands death shall have to live on.

Drift of the Forrest.

DRift of the Forrest is nothing else but an exact view or examination taken once, twice, or oftner in a yeare, as occasion shall require, what Beasts there are in the Forrest, to the end that the common in the Forrest bee not overcharged, that the Beasts of Forreyners that have no common there may bee avoided, and that Beasts that are not commonable may be put out. See for this Statute of 32. Hen. 8. cap. 35. and Manwoods Forrest Lawes, cap. 15.

Right.

Right is where one hath a thing that was taken from

auter part el est a recover. Auxy en divers cases feme navera power, sicome le baron fait treasons par que il est attaint, donque la feme navera dower.

Auxy si el clopa de la baron ovesque un auter home inadvourry, & si el ne soit reconcile a son baron de son bone volunt sauns coercion del Eglise, el ne serra endow. Veies Litt. l. i. c. 4.

Et issint nora, que lou per Civil Ley, dower est ceo que le baron cyt ove sa feme pur le marriage, de maintenir leur joyned estate, p les Leyes del Realme, per le parol (Dower) est-intende, le portion que le feme puis le mors del baron, avera pur sa viner.

Drift del Forest.

DRift del Forest nest riens forsque un exact view & examination prise un foits, deux foits, ou plus foits en un an, come occasion require, queux Avers sont deins le Forest, al intent que le common en le Forest ne soit surcharge, que les Avers des Forreyners ne sont permits de commoner la, & que Avers que ne sont commonables poyent estre expels. Veies pur ceo lestatute 32. H. 8. cap. 35. & Manwood. Forest Leyes, cap. 15.

Droit.

Droit est lou un ad chose que fuit tolle d auter

The Exposition of

per tort, come per disseisin, discontinuance, ou ejectment, ou tiels semblables, & le challenge ou claime que il ad que avoir le chose, est terme droit.

Si feme release tout sa droit a cestuy en reversion, sa dower est extinct, car quant le droit, que est le foundation & le principal, est release, p consequence l'action que nest lorsq le meane a recover ceo, est auxy release. Per release de rout title al fre tout son droit est extinct. Issint quant home ad title ou per condition, ou per alienation en mortmaine, le release de tout son droit extinctera cest title, *Coke. lib. 8. fol. 151, 153.*

Droit d'entrie.

D*roit d'entrie* est quaut un seise de terre en fee, de ceo disseise, ore le disseise ad droyt dentre en le fre, & poit qnt il voyle, ou il poit au Briefe de droit enners le disseisor.

Duces tecum.

D*uces tecum* est un Briefe hors del Chancery, commandant home pur appare la, & de porter ove luy ascun peece d evidence, ou aut chose q le Court voiloit veier.

Dum non fuit compos mentis.

D*um non fuit compos mentis*, est un Bie, & gift lou hōe q

another wrongfully, as by disseisin, discontinuance, or putting out, or such like, and the challenge or claime that he hath who should have the thing, is called Right.

If a woman release all her right to him in reversion, her Dower is extinct, for when the Right, which is the foundation and the principall, is released, by consequence the Action, which is but the meanes to recover, is also released. By release of all title to the land all his right is extinct. So when a man hath title either by condition or by alienation in mortmaine, the release of all his right shall extinct this title. *Co. lib. 8. fo. 151, 153.*

Right of entrie.

Right of entrie is when one seised of land in fee is thercof disseised, now the Disseise hath right to enter into the land and may so doe when he will, or else may have a writ of right against the Disseisor.

Duces tecum.

Duces tecum is a writ out of the Chancery, commanding a man to appear there, and to bring with him some peece of evidence, or other thing that the Court would have a sight of.

Dum non fuit compos mentis.

Dum non fuit compos mentis is a writ, and it lyeth when a man

a man that is out of his witt, that is to say, mad or lunaticke, alieneth the land which he hath in fee simple, and dyeth, then his heire after his decease shal have this writ, but he himselfe shall not have this writ, for that a man shal not be received to disable himselfe. Also this writ may be made in the Per, Cui, & Post.

Dum fuit infra.
etatem.

Dum fuit infra etatem is a writ, and it lyeth where an Infant within age alieneth his land which he hath in fee simple, or for terme of life, when he cometh to his full age hee shall have this writ, or hee may enter if hee will, but it behooveth that hee be of full age the day of his writ brought. Also if an Infant alien his land, and die, his issue at his full age shall have this writ, or he may enter but the issue shall not have this writ within his age.

Duplicat.

Duplicat is a second letters Patents graunted by the Lord Chancellour, in case where hee hath graunted the same before, and therefore they are held void by W. Crompton in his Jurisdiction of Courts, fo. 215.

Duresse.

Duresse is where one is kept in prison, or restrained from his liberty, contrary to the order of the Law, or threatened or

est hors de son bone memory, cest adire, infant ou lunatique, alien les tres q il ad e fee simple, & devy, donqs son hie aps son decease aua cest Brieve, mes il n aua cest Brieve, pur ceo q home ne serra receive a disable luy mesme. Auxy cest Brieve puit este fait en le Per, Cui, & Post.

Dum fuit infra
etatem.

Dum fuit infra etatem est un Brieve, & gift lou Enfant deins age alien sa terre que il ad en fee simple, ou pur terme de vie, quant il vient a son pleine age il avera cest Brieve, ou il puit enter sit voile, mes il covient que il soit de pleine age jour de son Brieve purchase. Auxy si Enfant alien son terre, & devie, son issue a son pleine age avera cest Brieve, ou puit enter, mes le issue navera cest Brieve deins son age.

Duplicat.

Duplicat est un second lettres Patents grantus per le Seignieur Chauncellor, en case lou il ad graunt le mesme devant, & pur ceo sont tenus voyds pur M. Crompton en son Jurisdiction des Courts, fo. 215.

Duresse.

Duresse est lou un hœ est garde en prison, ou restraine d son liberty, contrary al order d Ley, ou menasse

The Exposition of

deste occide, mayheme, ou graundement batue, & si tiel pson issint é prison, ou pavor pur tiel menasse, fait ascun especialty ou obligation, per reason de tiel imprisonment, tiel fayt est voyd en le Ley, & en action port sur tiel especialty puyt dire, que il fuit fait per dureste de son imprisonment. Mes si home soyt arrest sur ascun action al fuit d'un autre, mesque le cause del action ne soit bone ne voire, sil fait ascun obligation a un estrangeur esteant en prison per tiel arrest, uncore il ne serra dit per dureste. Mes sil fait obligation a luy a que fuit il fuit arrest deé discharge de tiel imprisonment, donques il serra dit dureste, ut diciter.

menaced to be killed, maimed, or greatly beaten, and if such person so in prison, or in feare of such threatnings, make any specialty or obligation, by reason of such imprisonment, such a deed is void in the Law, & in an action brought upon such an especialty, hee may say, that it was made by dureste of imprisonment. But if a man be arrested upon an action at the suit of another, though the cause of the action be not good nor true, if hee make an obligation to a stranger being in prison by such arrest, yet it shall not be said by dureste. But if he make an obligation to him at whose suit hee was arrested to be discharged of such imprisonment, then it shall be said Dureste, as it is said.

E.

Ealderman.

E *Alderman* ent les Saxons fust taunt come Count éter les Danes, *Cam Br. p. 107.* Et a cest jour nous appelomous ceux Alderman, q sont Associats al prim Officer en le Common Councel del ville, *24. H. 8. c. 13.* & en ascun lieus le prim Officer luy mesme est appel Alderman.

Easement.

E *Easement* est un immunitie q'un vicine ad d'un aut, p charter ou prescription launs

E.

Ealderman.

E *Alderman* amongst the Saxons was as much as *Earle* amongst the Danes, *Ca. B. p. 107.* And at this day we call them *Aldermen*, which are *Associates* to the chiefe Officer in the Common Councell of the *Towne*, *24. H. 8. cap. 13.* and in some places the chiefe Officer himselfe is called *Alderman*.

Easement.

E *Easement* is a ppriviledge that one neighbour hath of another, by writing or prescription without

without profit, as a way or a
sinke through his land, or such
like, *Kit. fol. 105.*

Egyptians.

Egyptians commonly called
Gipsies, are counterfett
Rogues, Welch or English,
that disguise themselves in
speech and apparell, and wan-
der up and downe the Coun-
trei, pretending to have skill
in telling of Fortunes, and so
deceive the Common people,
but live chiefly by filching
and stealing, and therefore
the Statutes of 1. & 2. Mar.
chap. 4. & 5. Eliz. chap. 20.
were made to punish such as
felons, if they departed not
the Realme, or continued so a
moneth.

Ejectione firmæ.

Ejectione firmæ, looke for that
in the title Quare eiecit infra
terminum.

Ejectment de gard.

Ejectment de gard, look for that
in the title of Gards.

Eire Justices.

Eire Justices, or Itinerant, as
we call them were Justices
that used to ride from place to
place throughout the Realme to
administer Justice.

And these Justices had au-
thority in ancient times to
grant Land that was seised
for the King for Alienation
without licence. for then Jus-
tices in Eyre might have

profit, come un voy ou un
chanel p son frere, ou tiels sem-
blables, *Kit. fo. 105.*

Egyptians.

Egyptians vulgariter vo-
cati Gipsies, sont counter-
feit Vagabonds, Wallois ou
Anglois, que eux mesmes dis-
guise en roâbes & language.
& vagueront per le Pais, pre-
tendant daver science en pal-
mestry, & issint deceive le vul-
gar, mes vivent principalement
per embles & embeasiler des
biens. Et pur ceo l'estatutes
1. & 2. Mar. cap. 4. & 5. Eliz.
cap. 20. fueront sayts p le pu-
nishment des tiels persons
come felons, s'ils ne departont
le Realme, ou issint continue
per un moys.

Ejectione firmæ.

Ejectione firmæ, vide de ceo
en le title quare eiecit in-
fra terminum.

Ejectment de Gard.

Ejectment de gard, veies de
c^e en le title Gards.

Eire Justices.

Eire Justices, ou Itinerant,
hœc nous appel eux, fuerot
Justices q use de equitate de
lieu al lieu p tout le Realme
p administrer justice.

Et ceux Justices avoient au-
thority en ancient temps a
granter terre que fuit seise p
le Roy pur Alienation sauns
Licence, car adonques Justi-
ces en Eyre pouissent aver

grant

The Exposition of

grauntiel tre en fee, rendant
rent come Justices del For-
rest, que en effect quant a
cest purpose sont Justices en
Eyre a cest jour, poyent d ter-
res enclose deins un Forrest,
sauns congee le Roy, *Coke lib.*
2. fol. 80.

granted such land in fee, ren-
ding rent as Justices of the
Forrest, who in effect, as to
this purpose, are Justices in
Eyre at this day, may of lands
inclosed within a Forrest,
without the Kings licence, *Cok.*
lib. 2. fol. 80.

Election.

Election est quant home est
laïse a son frank arbiter-
ment demesne de prendre ou
faire un chose ou auter que il
voile : Come si A. covenant
de payer al B. un liver de pep-
per ou saffron devant Pentico-
st, est al election de A. tout
temps devant Penticoft, que
d eux il voile payer, mes
sil ne ceo paya devant le dit
Feast, donque enaps est al
election de B. p aver son ac-
tion pur quel a luy pleist, ou
del Pepper ou d l Saffron, *Dy.*
fo. 18. pl. 104.

Ilsint si home done a un au-
ter son Chival ou Vache, le
Donee poit prendre l'un ou
l'autr a son election : Mes si
sint que il donera en le futur
temps, la le Donee ne poit
prendre l'un ou l'autr, car
donque l' election est en le
donor, 21. H. 7. 19.

Auxy si un Justice d Peace
direct son garrant a un Con-
stable, damesn le party attach
devant luy ou aut Justice, est
al election del Constable dal'
a quel Justice que a luy pleist,
Cok li. 5. fo. 59. & en mesme le
manner est en plusors auters
cases.

Election.

Election is when a man is
left to his owne free will,
to take or doe one thing or an-
other which he pleaseth : As if
A. covenanteth to pay B. a
pound of pepper or saffron be-
fore whitson tide, it is at the e-
lection of A. at all times be-
fore whitson tide, which of
them hee will pay, but if hee
payes it not before the said
Feast, then afterwards it is at
the election of B. to have his ac-
tion for which he pleaseth, ei-
ther of the Pepper or of the
Saffron, *Dy. f. 18. pl. 104.*

So if a man giveth to an-
other his Oxle or Cow, the
Donee may take the one or the
other at his election : But if it
was that he will give in the fu-
ture tyme, there the Donee can-
not take the one nor the other,
for then the election is in the
donor, 21. H. 7. 19.

Also if a Justice of Peace di-
recteth his warrant to a Con-
stable, to bring the party appre-
hended before him, or another
Justice, it is in the election of
the Constable to goe to what
Justice he pleaseth, *Cok lib. 5. f.*
59. and in the same wise it is in
many other cases.

Elegit.

Elegit.

To hold by *Elegit*, is where a man hath recovered debt or damage by a writt against another by confession, or in other manner, he shall have within the yeare against him a writt judicall, called *Elegit*, to have execution of the halfe of all his lands & chattels, (except Oren and Beasts of the Plow) till the debt & damages be wholly levied and paid to him, and during the terme he is tenant by *Elegit*.

And note, That if he be put out within the terme, he shall have Wille of Novel Disseisin, & after a Redisseisin if need be, and this is given by the Statute of Westm. 2. cap. 18.

And also by the equity of the said Statute, he that hath his estate. if he be put out shall have Wille and Redisseisin if need be. And also if he make his executors and die, and his executors enter, & after be put out, they shall have by the equity of the same Statute such action as he himselfe befoze said. And if he be put out, and after make his executors & die, his executors may enter, and if the be stopped of their entry, they shall have a writt of Trespasse upon their matter and case.

And note well, if he doe waste in all the land or parcell the other shall have against him immediately a writt judicall out of the first Record, called *Venire facias ad computandum*, by

Elegit.

Tener per *Elegit* est lou home ad recover det ou damage per Brieve devers un auter per consufance, ou en auter manner, il avera deins le anne dvers luy un Brieve judicial, nosme *Elegit*, daver execution d moitie de tous ses terres & chattels, (except Boefs & Avers a la carves) tanque le dette ou damages soyent ousterment levies ou payes a luy, & durant cest tme il est tenant p *Elegit*.

Et nota, Sil soyt ousta deins le terme, il avera Affise de Novel Disseisin, & apres un Redisseisin, si besoigne soyt, & cest done p l' Estatut de west. 2. cap. 18.

Et auxy per l' equitie de mesme le Statute, celuy que ad son estate, sil soit ousta, aua Affise & Redisseisin si besoign soit. Et auxy sil face ses executors & devie, & ses executors entrent, & puis soyent oustes ils aüont per l' equitie de mesme le Statute tiel action cöe luy mesme suisdit. Mes sil soyt ouste, & puis fait ses executors & devie, ses executors purront enter, & sils soyent estoppes de leur entrie, ils averont un Brieve d Trespas sur leur matter & case.

Et nota, sil face waste en tout le terre, ou en parcel, laüf avera envers luy maintenaunt un Brieve judicial hors de le primer Recorde, appelle *Venire facias ad computandum*,

The Exposition of

per force de quel serra in-
quise sil ad luy tous les de-
niers ou parcell, & sil nad le-
vie les denies, donques ser-
roinquire a quaut le waste
amouute, & si le waste a-
mouute sinon a parcell, don-
ques tants des deniers que
le waste amouute, serra a-
bridge de les suisdits deniers
queux fueront destre le-
vies. Mes sil ad fayt pluis
waste que l' avantdit somme
d' argent que fait a estre
levy amount, l'auter serra
discharge maintenant de tous
les deniers suisdits, & recove-
ra la terre. Et pur la super-
fluite d' waste fayt, ouster ceo
que amouute a le dit somme,
il recovera ses damages sin-
gle, & mesme le Ley est de
les executors, & auxy d' cestuy
que ad son estate.

Et nota, sil alien en fee,
ou a terme de vie, ou en
Taile, tout le terre ou parcell
de la terre, que il tient per
Elegit, si l' Alienation soit
fait deins le terme ou apres,
cestuy que ad droit avera
vers luy un Assise de *Novel
Disseisin*. Et covient que ils
soyent mis en l' Assise ambi-
deux, auxybien l' Alienor cōc
l' Alienee, & non obstant
que l' Alienor devie main-
tenant, uncore cestuy que ad
droyte, avera vers l' Alienee
sole Assise, come sil ust estre
son simple Tenant a terme d'
ans. Et ceo est per l' equi-
ty del Statute de *Westmo-
nast.* cap. 25. pur ceo que il

which it shall be enquired if he
have levied all the money or
parcell, and if hee have not le-
vied the money, then it shall be
inquired to how much the
waste amounteth, and if the
waste amount but to parcell,
then as much of the money as
the waste amounteth unto shall
be abridged of the foresaid mo-
ney which was to be levied.
But if hee have done more
waste then the foresaid somme
of money which was to be le-
vied amounteth, the other shall
be discharged by and by of all
the said money, and shall reco-
ver the land. And for the super-
fluity of the waste made above
that that amounteth to the said
summe, he shall recover his dam-
ages single, and the same Law
is of his Executors, and also of
him that hath his estate.

And note, that if hee alien in
fee for terme of life, or in taile,
alloz parcell of the land which
hee holdeth by *Elegit*, if the
Alienation be made within the
termes or after, hee which hath
right shall have against him
an Assise of *Novel Disseisin*.
And they both must be put in
the Assise, the Alienor and the
Alienee, and notwithstanding
that the Alienor dye presen-
tly, yet hee which hath right
shall have Assise against the
Alienee alone, as if the Ali-
enee had bene a plaine Tenant
for terme of yeares, and that
is by the equity of the Statute
of *Westm.* cap. 25. for that
that hee hath not but a chat-
rell

tell in effect: and the same Law is of his Executors, and of him which hath his estate, as is aforesaid:

And note well, That in Elegit, if the Sheriffe returne, that he hath nothing the day of the Recognizance made, but that he purchased lands after the time, then the party Plaintife shall have a new writ to have execution thereof: the same Law is of a Statute Merchant.

And note well, That after a Fieri facias a man may have the Elegit, but not contrariwise, for that the Elegit is of more higher nature than the Fieri facias.

And note well, That if a man recover by a Writ of Debt, and sueth a Fieri facias, and the Sheriffe returne, that the Defendant hath nothing wherof he may satisfy the debt to the party, then the Plaintife shall have Elegit, or Caput sicut alias, & a Pluries. And if the Sheriffe returne to the Capias, Mitto vobis corpus, and he have nothing wherof he may make satisfaction to the party, he shall be sent to the Prison of the Fleet, & there shall abide untill he have made agreement with the party, & if the Sheriffe returne Non est inventus, then there shall goe forth an Exigent against him.

And note well. That in a writ of Debt brought against a Parson of holy Church, which hath nothing of Lay Fee, and the Sheriffe returneth, that he may not be summoned, then shall the Plaintife sue

nad forsque chattel en effect: & mesme l' Ley est de ses executors, & d' cestuy que ad son estate, come est suisdit.

Et nota, Que en Elegit, si le Viscount retourne, que il avoit riens jour de la Recognizance fait, mes que il purchase tre puis le temps, adoncs le partie Plaintife avera novel Brieve de aver execution de ceo: mesme le Ley est de un Estatute Merchant.

Et nota, Que apres le Fieri facias un home poit aver le Elegit, mes non cont' entaunt que le Elegit est d' pluis hault nature que le Fieri facias.

Et nota, Que si home recoü per Brieve de det, & sue un Fieri facias, & le Viscount returne, que le Defendant nad riens dont il poyt faire gree a le party, donques le Plaintife avera un Elegit, ou un Capias sicut alias, & Pluries. Et si Viscount retourne a le Capias, Mitto vobis corpus, & il nad riens dont il poit fait gree al party, il serra maund al gaile del Fleet, & illonques demur' tanque il ad fait gree al party, & si le Viscount returne, Non est inventus, adonques issera Lexigent envers luy.

Et nota, Que en Brieve de dette port devers Parson de Saint Eglise, que nad rien de Lay Fee, & le Viscount retourne, que il nad riens per que il poit estre sumone, adonques le Plaintife suera Brieve

The Exposition of

Briefe al Evesque, que il face
vener son Clerke, & Levesque
luy serra vener per sequestra-
tion del Eglise.

Et nota bien, Que si home
port Briefe de det, & recover,
& face ses executors, & devie,
ils naveront execution, non
 obstant que il soit deins l' an
per un *Fieri facias*.

Elopement.

ELopement est qu'aunt feme
cspouse departa de son ba-
rou ove un adulterer, & ove l'
adulterer demurra sauns vo-
luntarie reconcilement a sa
baron, per ceo el perdra sa
dower per le Statute d' *West-*
monast. 2. cap. 34. sur que un
Verse ad estre fait en cel
manner.

*Sponte virum mulier fugiens,
& adultera facta,
Dote sua careat, nisi sponso
sponte retracta.*

Embleaments.

Embleaments sont les pro-
fits de terre que ad estre
semy, & en ascuns cases cestuy
que ceo emblea eux avera, &
en ascuns nemy: come si te-
naunt pur vie emblea le terre,
& apres morust, les executors
del tenaunt pur vie avera les
Embleaments, & nemy cestuy
en reversion.

Mes si tenaunt pur ans em-
blea le terre, & devaunt que
il ad sever les Embleaments
del terre son terme expire,
ore le Lessor ou cestuy en re-

a writ to the Bishop that he
make his Clerke to come, & the
Bishop shall make him to come
by sequestration of the Church.

And note well, That if a man
bying a writ of Debt, & recover,
& make his Executors, & dieth,
they shall not have execution,
notwithstanding that it be with-
in the yeare by a *Fieri facias*.

Elopement.

ELopement is when a marri-
ed woman departeth from
her husband with an adulterer,
and dwelleth with the adulte-
rer without voluntary recon-
cilement to her husband, by
that she shall lose her dower by
the Statute of Westm. 2. c. 34.
Whereupon a Verse hath bene
made in this manner:

(leaves,
The woman that her husband
And in adultery leads her life,
If that he die unreconcil'd,
The Law endoweth no such wife.

Embleaments.

Embleaments are the profits
of the land which have bene
sowed, and in some cases he
which sowed them shall have
them, and in some not: as if te-
nant for life sow the land, and
afterwards dyeth, the executors
of the tenant for life shall have
the Embleaments; and not he
in reversion.

But if tenant for yeares sow
the land, and before that he hath
severed the Embleaments from
the land his terme expirith,
thers the Lessor, or he in rever-

Son

tion shall have the Embleaments, & not the Lessee for years. If one disseiseth me, & cuts the Embleaments growing upon the land, & afterwards I re-enter, I shall have an action of Trespasse against him for the Embleaments; but if my Disseisor maketh a feoffment in fee, or lease the land wherof he disseised me, & the feoffee or Lessee taketh the Embleaments, and after I re-enter, I shall not have trespasse *Vi & armis* against them which come in by title, but against my Disseisor, *Cok. lib. II. fol. 51.*

If a woman Copiholder during her widowhood, according to the custome of the Mannor soweth the land, and before the severance of the Embleaments she taketh a husband, the Lord shall have the Embleaments. So if a woman seised of land during her widowhood maketh a lease for years, and the Lessee soweth the land, & the woman taketh a husband, there the Lessee shall not have the Embleaments, although his estate be determined by the act of a stranger. And although it is commonly held in our Bookes, That if a man lease lands at will, and after the Lessee soweth the land, and then the will is determined that the Lessee shall have the Embleaments, yet if the Lessee himselfe determines the will before the severance of the corne, he shall not have the Embleaments. See *Cok. lib. 5. fol. 116.*

version avera les embleaments & nemy le Lessee pur ans. Si un disseise moy, & succide les embleaments creissants sur le terre, & puis Ieo re-enter, Ieo avera action de Trespasse vers luy pur les embleaments; mes si mon disseisor fait feoffment en fee ou lessa le terre dont il moy disseisist, & le Feoffee ou Lessee prist les embleaments, & puis Ieo re-enter, Ieo navera trespasse *Vi & armis* vers eux queux veignent eins per title, mes vers mon disseisor, *Coke lib. II. fol. 51.*

Si feme Copiholder *Durante viduitate sua*, solonque le custome del Mannour emblea le terre, & devant le severance des embleaments el prist baron, le Seignieur avera les embleaments. Issint la feme seisie de terre *Durante viduitate*, fait un lease pur ans, & le Lessee emblea le terre, & puis la feme prist baron, ore le Lessee navera les embleaments coment que soit estate est determine per l'act d'un estranger. Et nient obstant que est communement tenus en nostre Lieurs, que si home lessa terres a volunt, & puis le Lessee emblea le terre, & puis le volunt est determine, que le Lessee avera les embleaments, uncore si le Lessee luy mesme determine le volunt devant le severance des blees il navera les embleaments. Veies *Coke li. 5. fo. 116.*

Embrasour

The Exposition of

Embrasour ou Em- braceour.

EMbrasour ou Embraceour, est celuy, que quant un matter est e trial perenter party & party, vient al barre ove un del parties (ayant receiue ascun reward pur issint faire) & parle en le case, ou prevyement labor le Jury, ou estoia la pur surveier ou surview eux per cest meanes de mitter eux en pavour & dont del matter. Mes homes que sont erudite en Ley, poyent parler en le case pur lour Clients.

Emparlance.

Emparlance est quant hœe ekeant a responder al action ou suit d'un auter pria ascuns temps de respite de luy mesme adviser le meux que il respondera; & nest auter forsque continuance del cause al un jour ouster.

Et pur ceo coment le Plain- tife (en Banke le Roy) apres le Barre plede, ad jour de re- ply deux ou trois Termes apres, uncore nul mention sera fait en le Rolle d'ascu em- parlance ou countenance, mes l'entry serra generalment, & entend d'st'r mesme le Terme. Mes auterment est d' un Barre, car ceo contene l'im- parlance ou continuance, & est en tiel forme: *Et modo ad hunc diem, scilicet, diem Veneris &c. Iste eodem termino, usq; ad*

Embrasour or Em- braceour.

EMbrasour or Embraceour, is he that when a matter is in triall between party and party, cometh to the Barre with one of the parties (having recei- ved some reward so to doe) and speaketh in the case, or privi- ly laboureth the Jurie, or standeth there to surbey or o- verlooke them, whereby to put them in feare and doubt of the matter. But men that are learned in the Law may speake in the case for their Clients.

Emparlance.

Emparlance is when a man being to answer to the suit, or action of another, desireth some time of respite to advise himselfe the better what he shall answer; and it is nothing else but a continuance of the cause untill a further day.

And for this although the Plain- tife (in the Kings Bench) after the Barre pleaded, hath time to reply two or three Termes after, yet no mention shall be made in the Roll of any emparlance or continuance, but the entry shall be general, & so intended to be the same Terme. But it is otherwise with a Barre, for it containeth the em- parlance or continuance, and is in this manner: And now at this day, that is, Friday, &c. in the same Terme, untill which day

day the aforesaid A. had licence
ro imparle, &c.

But there is no such entry
upon any replication or rejoyn-
der: See Coke, 1. 5. f. 75. Brit.
cap. 53. useth this word for the
conference of a Jury upon the
businessse to them committed.

Encroachment.

Encroachment comes from the
French word Accrocher, that
is, to pull or draw to. And it sig-
nifies in our common Law an
unlawfull gaining upon the
right or possession of another.
And so a Rent is said to be en-
croched, when the Lord by di-
stresse or otherwise compells the
tenant to pay more rent then he
ought, or than he need. See
Bucknals case, 9. rep. f. 33. So
when a man sets his hedge or
his wall too far into the land or
ground of his neighbour that
lies next him, he is said to in-
croch upon his neighbour.

Encheson.

Encheson is a French word
much used in our Law
Books, as in the Statute
of 50. E. 3. cap. 3. and it signifies
as much as the occasion, cause,
or reason for which any thing
is done. So it is used by Stamf.
lib. 1. cap. 12. in his description
of a Deodand.

Indictment.

Indictment comes of the
French Enditer, that is, to set
a man out as he is. And it is a
Bill or Declaration in forme of

*quem diem predictus A. habuit
licentiam interloquendi, &c.*

Mes nul tiel entrie est la
fait sur asc' replication ou re-
joindre. Veies Coh. li. 5. fo. 79.
Brit. cap. 53. usa cest parol pur
le conference d'un Jurie sur le
cause a eux commise.

Encroachment.

Encroachment venust del pa-
rol Francois Accrocher, id
est, apprehendere. Et signifie
en nre common Ley un illoy-
al ganier sur le droit ou pos-
session d'un auter. Et issint un
rent est dit est encroch, qnt le
Seignior, p cohercion del di-
stresse ou autment compel le
rnt pur payer plus rent q be-
soigne ou q doit. Veies Buck-
nals case, 9. rep. fol. 33. Issint
quant home mist son hay ou
mure en le terre cey vicine
quo gist prochein a luy, il est
dit pure incrocher sur son vi-
cine.

Encheson.

Encheson est un parol Fran-
cois mult use en les livres
de nre Ley, come en lesta-
ture 50. E. 3. cap. 3. & signifie
tant come occasion, cause, ou
reason pur que ascun chose
est fait. Issint est use per
Stamford, lib. 1. cap. 12. en son
description dun Deodand.

Enditement.

Enditement venust del
Francois Enditer, id est,
Indire. Et est un Bill ou de-
claration en forme del Ley,
exhibis

The Exposition of

exhibit per voy del accusation vers home pur aucun offence ou criminall ou penall, & preferre as Jurors, & per leur verdict trovè & presentus desre voyer devant un Judge ou Officer que ad poiar de punier ou certifier l'offence.

Law, exhibited by way of accusation against one for some offence either criminall or penall, and preferred unto Jurors, and by their verdict found presented to be true before a Judge or Officer that hath power to punish or certify the offence.

Endowment.

Endowment, *Dotatio* signifie ppermt le doner ou assurer del dower al feme. Mes est aucun foirs use p un Metaphor pur le mitter hors ou severance dū sufficient part ou portion al un Vicar pur son perpetuall maintenāce qnt le Benefice est appropri. Et il l'int est use en les Statutes, 15. R. 2. cap. 9. & 4. H. 4. cap. 12.

Indowment.

Indowment, *Dotatio* signifies properly the giving or assuring of dower to a woman. But it is sometimes by a Metaphor used for the setting out or severing of a sufficient part or portion to a Vicar for his perpetuall maintenance when the Benefice is appropriated. And so it is used in the Statutes of 15. R. 2. c. 6. and 4. H. 4. c. 12.

Enfranchisement.

Enfranchisement est, quaut home est incorporate en aucun Society ou Corps politique: Ilint si Alien nec soit fait denisen d'engleterre, il est dit desté enfranchisé; & cestuy que est fait un Citizen d'London, ou auter Ville Corporate, pur ceo que il est fait pèrnour de ceux franchises, queux appent al Corporation en que il est enfranchisé.

Et quant home est enfranchisé en un Cite ou Borough, il ad franktenement en son freedome pur son vie, & ove auters en leur politique capacity, ad enheritance en les terres d'el dit Corporation, pur que le matter que serra

Enfranchisement.

Enfranchisement is when a man is incorporated into any Society or Body politike: So if an Alien be made Denizen of England, he is said to be enfranchised; and he that is made a Citizen of London, or other Towne Corporate, because that he is made partaker of those liberties which belong to the Corporation whereinto he is enfranchised.

And when a man is enfranchised into a City or Borough, he hath a frachold in his freedom for his life, and with others in their politique capacity, hath inheritance in the lands of the said Corporation, wherefore the thing which shall

be the cause of his dis-infranchisement ought to be an act or deed, and not only an endeavouring or enterprising whereof he may repent before it be put in execution: And what shall be sufficient cause to dis-infranchise a freeman, and what not, See Coke, lib. 11. in James Baggs case, fol. 98.

Englesherie.

Englesherie is an old word, which signifieth nothing else but to be an English-man: For in ancient time, as appeareth by Bracton, lib. 3. Tract. 2. cap. 15. fol. 134. If a man had bene slain or murdered, he was accounted to be Francigena, which word implieth every Alien untill Englesherie were proved, that is, untill it was made manifest that he was an Englishman: The original whereof was on this wise:

Kanutus the Danish King having established his estate here in peace, at the request of our Barons discharged his Land of his Armies, wherein he reposed his greatest safetie, upon this condition, That the Barons would give consent to a Law, That whosoever should kill an Alien, and was apprehended, and could not acquite himselfe, he should be liable to Justice: But if the manslayer escaped, and could not be taken, then the Towne where the man was slain, should

cause d son dis-infranchisement covient estre un act ou fait, & neme conation ou enterprise dont il poyt repent devant l' execution de ceo: Et que serra sufficient cause de dis-infranchiser un frankehome, & que neme, Veies Coke, lib. 11. en Jaques Baggs Case, fol. 98.

Englesherie.

Englesherie est un viel parol, que riens auter impli forsque destre un home Anglois: Car en auncient temps, come appiert per Bracton, lib. 3. Tract. 2. cap. 15. fo. 134. Si un home ad este tue ou murdre il fuit account destre Francigena, quel parol emplia chescun Alien, jescq Englesherie fuit prove, ceo est, jescque il fuit fait manifest que il fuit un home Anglois: Le commencement de quel fuit en tiel manner:

Kanutus le Roy des Danes ayant establie son estare cy en peace, al prier de nostre Barons discharga le Terre de ses Armies, en que il reposa son greinder safetie, sur cest condition, que les Barons voient doner consent a un Ley, Que quecunque tuera un Alien, & fuit attache, & ne puit luy mesme acquitter, il serroit subject al Justice: Mes si le homicide escapa, & ne puit estre prise, donque le Ville on le home fuit occide, forfeitera

The Exposition of

feitera 66. Marques al Roy, & si le Ville ne fu-
it able de ceo payer, don-
que le Hundred forfeitera
& payera ceo al Treasure
le Roy, & ouster que
chescun home: mordre ser-
roit account *Francigena*,
sinon que Englesherie fuit
proove; & coment il serroit
prove, veies *Bracton* en mesme
le Chapter, *Numb. 7.* Auxy
veies *Horns Mirrour de Ju-*
stices, *Lib. 1. cap. del Office*
del Coroner, & *Fleta, lib. 1.*
cap. 30. Cest englesherie
pur les abuses & torts que
fueront en apres perceive a
sunder de ceo, fuit tout ou-
sterment abolish per un Sta-
tute, fait Anno 14. Edw. 3.
cap. 4. Veies *Coke, lib. 7. fo. 16.*
Calvins Case.

Enheritance.

Enheritance est tiel estate
en Terres ou Tenements
ou auters choses, que poyent
estre inherit per le heire, soit
ceo de estate en fee simple,
ou taile, per discent de afeun
de ses Ancestors, ou per son
purchase demesne.

Et Enheritance est diuide
en deux sorts: Cestascavoir
enheritance Corporate, &
enheritance Incorporate.

Enheritance Corporate sont
mesuages, fres, prees, pastures
rents, & tiels semblables, que
ont substance en eux mesmes,
& poient continuer tout tēps:
Et ceux sont appel choses
Corporal.

forfeit Arty sixe Markes to
the King, and if the Towne
was not able to pay it, then
the Hundred should forfeit
and pay this to the Kings
Treasure, and farther, That
every man murdered should
be accounted Francigena, un-
lesse that Englesherie were
proved; and how it should
be proved, see Bracton in
the same Chapter, Num. 7. Al-
so see Horns Mirrour of Justi-
ces, Lib. 1. chap. of the Of-
fice of Coroners. and Fleta,
Lib. 1. chap. 30. This Engle-
sherie for the abuses and grie-
vances which were afterwards
perceived to arise therefrom,
was altogether abolished by a
Statute made Anno 14. Edw.
3. chap. 4. See Coke, lib. 7. fol.
16. Calvins Case.

Enheritance.

Enheritance is such estate in
Lands or Tenements, or o-
ther things, as may be enhe-
rited by the heire, whether it
be in estate of fee simple, or
taile, by discent from any of his
Ancestors, or by his owne pur-
chase.

And Inheritance is divided
into two sorts: that is to say,
Inheritance Corporate, & In-
heritance Incorporate.

Inheritance Corporate are
mesuages, lands, medowes,
pastures, rents, and such like,
that have substance in them-
selves, and may continue al-
waies: And these are called
Corporall things.

Inheri-

Inheritance Incorporate are Adowsons, Villaines, Mayes, Commons, Courts, Fishings, and such like, that are or may be appendant or appurtenant to Inheritances Incorporate.

Enheritance Incorporate sont Adowsons, Villaynes, Wayes, Commons, Courts Piscaries, & tiels semblables, q̄ sont, ou poyent estre appēdt ou appartenant a Inheritance Incorporate.

The eldest part.

Enitia pars is that part that upon partition amongst coparceners falls unto the eldest sister or auncientest coparcener, as it appeares by *M. Littleton*, sect. 245. And it is called *Enitia pars* from the French word *Eigne* or *Aisne*, that is, the first borne.

Enitia pars.

Enitia pars est ceo part q̄ sur partition enter coparceners eschue al eigne soer ou eigne coparcener, come appiere per Monsieur *Littleton*, sect. 245. Et est appelle *Enitia pars*, ou *Einecia pars* del parol Francois *Eigne* ou *Aisne*, id est, primogenitus.

Inquisition.

Enquest is that inquiry which is made by Jurors in all causes civil or criminal touching the matter in fact. And such inquiry is either of office or at the mile of the parties: And this word is used in the Statutes of 15. Edw. 3. cap. 3. 28. E. 3. cap. 13. And almost in all Statutes that speak of trials by Jurors.

Enquest.

Enquest est ceo inquiry que est fait per Jurors en tous causes: civil ou criminal touchant le matter en fait: Et tiel enquest est ascun foits ex officio & ascun foits ex prece partium: & cest parol est use en lestatutes d̄ 25. E. 3. cap. 3. 28. E. 3. cap. 13. & fere en tous Statutes quex parlont des trials per Jurors.

Entendment.

Entendment is a usuall word in our Law, when a thing is in doubt, then by intendment it shall sometimes be made good. As if an Inquisition be found befoze a Coroner, that a man was murdered at A. which is a liberte, and it is not said in the Inquisition, at A. within the li-

Entendment.

Entendment est un common parol en nostre Ley, quant asc' chose est en averust donque per intendment il serra ascun foits fait bone. Come si Inquisition soit trove devant le Coroner, q̄ un home fait murder al A. que est un franchise, & nest dit en l' Inquisition, al A. deins le franchise

The Exposition of

chise de A. uncore ceo serra bone per entendment, car padventure le franchise poit estender ouster le Ville, mes que le Ville mesme serra presume estre hors del franchise del Ville est un captious construction, pur que l'Inquisition serra bosi p entendment, *Coke, lib. 5. fol. 121. Veies Kir. fo. 224.*

Enterpleader.

Enterpleader est quaut en ascun cause un chose eschia que de necessite doyt este discusse devaunt le principal cause mesme soit determine: Et p ceo si deux psons sont trove heire all terre, per deux seual offices en un countie, per ceo le Roy est en averust a que il serra livery, pur quel cause, devaunt que livery soit fait, il voyle eux aver enterpleader, & per ceo determine a que il serra fayr. *Veies Coke lib. 7. fol. 45. Stam. Prer. ca. 19. Brooke tit. Enterpleader.*

Entire Tenancie.

Entire Tenancie est ceo que est contrarie al severall tenancie, & implie un sole possession en un home, ou lauter implia joynt ou common en plusors. *Veies Brooke, Severall Tenancie, & le veiel liure de Entries, south cest title.*

Entre.

Entre est lou un home entre en ascun terres ou tenements

berty of A. yet it shal be good by entendment, for peradventure the libertie may extend beyond the Towne, but that the Towne it selfe shal be presumed to be out of the liberty of the Towne is a captious construction; wherefore the Inquisition shal be good by entendment, *Coke. l. 5. f. 121. See Kitch. fol. 224.*

Enterpleader.

Enterpleader is when in any cause a matter happeneth, which of necessity ought to be discussed before the principall cause it selfe be determined: And for this, if two persons be found heire to land by two severall offices in one County, by this the King is in doubt to whom he shall make livery, for which cause before livery made, he will have them interplead, and thereby determine to whom it shall be made. *See Coke lib. 7. fol. 45. Stamf. Prer. cap. 19. Bro. tit. Enterpleader.*

Entire Tenancie.

Entire Tenancie is that which is contrary to severall Tenancie, and signifieth a sole possession in one man, where the other signifieth joynt or common in more. *See Bro. Severall Tenancie, and the old booke of Entries, under this title.*

Entre.

Entre is where a man entreteth into any lands or tenements

rements in his proper person, or any other by his commandment.

Also there be divers Writts of Entre which be in divers manners: One is a Writ of Entre sur disseisin, and this Writ lyeth where a man is disseised, hee or his heire shall have this Writ against the Disseisor, or any other after Tenant of the land. And if the Disseisor alien, and die seised, then the Writ of Entre shall be against the heire with the alienor in the Per, viz. in which the Tenant hath no entry but by such a one, naming the Disseisor, which him hath disseised, &c.

And if the heire or alienor dye seised, or alieneth to another, then the Writ shall be in the Per and Cui, viz. into which the Tenant hath no entry but by such a one, naming the heire or alienor of the Disseisor, to whom such a one (naming the Disseisor) did let it, which by force disseised him, &c.

And if land be conveyed over to man, or if the first Disseisor be disseised, then the Writ of Entre shall be in the Post, viz. that the Tenant hath no entry but after the disseisin, which the first Disseisor made to the Demandant or his Ancestors. And after Entre en le Per.

Entrie in the Per, Cui,
and Post.

A Writ of Entrie in the Per.
lyeth where a man is dis-

seised in son proper person, ou a scun auter per son commandment.

Auxy sont divers Briefes de entre queux sont en dius manners: Un est Briefe de Entre sur disseisin, & cest Briefe gist lou home est disseisie, il ou son heire l' avauant dir Briefe avera vers mesme le disseisor, ou ascun auter apres Tenant del terre. Et si le disseisor alien, ou devie seisie, donques le Briefe de Entre serra vers l'heire ovesq; l' alienee en le Per, cest adire, en que le tenant non habet ingressum nisi p tiel, nismeant le disseisor, que luy avoyt disseisie, &c.

Et si l' heire ou alienee devie seisie, ou aliena al auter, donq; le briefe serra en le Per & Cui, cest adire, en que l' tnt non habet ingressum nisi per tiel (nosmant le heire ou le alienee del disseisor) cui tiel (nosmant le disseisor) il dimisit, q luy per tort disseisie, &c.

Et si tre soit convey ouster al plors, ou si le primer disseisor soit disseisie, donques le Brief d Entre serra en le Post, cest adire, q le restit non habet ingressum nisi post disseisnam, q l le prim disseisor fait all demandant, ou son Ancestor. Vies apres Entre en le Per.

Entre en le Per, Cui,
& Post.

Briefe de Entre en le Per
gist lou home est disseisie
T a de

The Exposition of

de son franktenement, & le disseisor alien, ou devie seiscie, & son heire entra, donques le disseisee ou son heyre avera le dit Briefe vers l' heyre le disseisor, ou vers l' alience le disseisor; mes vinant le disseisour il poyt aver Assise si il voile, & le Briefe de Entre dirra, *In quod A. non habet ingressum nisi per B. qui illud ei dimisit, qui inde cum injuste disseisivit, &c.* Mes si le disseisour alien, & l' Alien ce devie seiscie, ou alien ouster a un autre, ou si le disseisour devie, a son heyre entra, & celuy heyre aliena ou devie, & son heyre entra, donques le disseisee ou son heyre avera Briefe D'entre sur disseisin en le Per & Cui, & le Briefe dirra, *In quod idem A. non habet ingressum nisi per B. cui C. illud ei dimisit, & inde injuste, &c.*

Et nota bien, Que nul Briefe de entre en le Per & Cui serra mainteynable vers nulluy, mes lou il que est Tenant soit eins per purchase ou per discent: Mes si l' alienation ou discent soyt deven^e hors des degrees, sur quel nul Briefe poyt estre fayt en le Per, ne en le Per & Cui. donqs serra fait en le Post, & l' b^e dirra, *In quod A. non habet ingressum nisi post disseisinam, quam B. inde injuste, & sine iudicio fecit pref. N. vel M. proavo N. cuius hæres ipse est.*

Auxy sont cinque choses q

seised of his freehold, and the Disseisor alieneth or dieth seised, and his heire enters, then the Disseisee or his heire shall have the said Writ against the heire of the Disseisor, or against the Alienor of the Disseisor, but living the Disseisor, he may have an Assise if he will, and the Writ of Entry shall say, *In quod A. non habet ingressum nisi per B. qui illud ei dimisit, qui inde cum injuste disseisivit, &c.* But if the Disseisor alien, and the alienor dyeth seised, or alieneth over to another, or if the Disseisor dye, and his heire enter, and that heire alieneth or dyeth, and his heire entreth, then the Disseisor or his heire shall have a writ of Entry sur disseisin in the Per and Cui, and the Writ shall say, *In quod idem A. non habet ingressum nisi per B. cui C. illud ei dimisit, qui inde injuste, &c.*

And note well. That no writ of Entry in the Per and Cui shall be maintainable against none, but where hee that is Tenant be in by purchase or discent: but if the alienation or discent be put out of the degrees, upon which no writ may be made in the Per, or in the Per and Cui, then it shall be made in the Post, and the Writ shall say, *In quod A. non habet ingressum nisi post disseisinam, quam B. inde injuste, & sine iudicio fecit pref. N. vel M. proavo N. cuius hæres ipse est.*

Also there are five things which

which put the writ of Entre out of the degrees, viz. Intrusion, Succession, Disseisin upon Disseisin, Judgment, and Escheat.

1 Intrusion is when the Disseisor dieth seised, and an e-
stranger abateth.

2 Disseisin upon Disseisin is when the Disseisor is disseised by another.

3 Succession is when the Disseisor is a man of Religion, and dieth, or is deposed, and his Successor entreteth.

4 Judgment is when one rec-
covereth against the Disseisor.

5 Escheat is when the Dis-
seisor dieth without heire, or
doth felony, whereby he is at-
tainted, by which the Lord en-
treteth as in his Escheat.

In all those cases the Dis-
seisee or his heire shall not have
a writ of Entre within the de-
grees of the Per, but in the Post,
for that, that in those said cases
they are not in by descent, nor
by purchase.

Entre ad communem
Legem.

Also there is a writ of Entre
ad communem Legem, and
lyeth where tenant for terme of
life, tenant for terme of anothers
life, tenant by the curtesie or te-
nant in dower, alieneth and di-
eth, then he in the reversion shall
have the foresaid writ against
whomsoever is in after in the
said tenement.

mittont le Brieve de entre
hors des degrees, cest adire,
Intrusion, Succession, Dissei-
sin sur disseisin, Judgement,
ou Escheat.

1 Intrusion est qnt le dis-
seisor devie seise, & un estran-
ger abara.

2 Disseisin sur disseisin est
qnt le disseisor est disseisee p
un auter.

3 Succession est lou le dis-
seisour est un home de Reli-
gion, & devie, ou est depose, &
son Successeur entra.

4 Judgement est quant un
recover vers le disseisor.

5 Escheate est quaut le
disseisor devie sans heire, ou
fait felonie, per que il est ar-
taint, per que le Seignieur
entra come en son escheate.

En tous ceux cases le dis-
seisee ou son heire navera
Brieve de Entre deins les de-
grees en le Per, mes en le Post,
p ceo q en ceux dits cases ils
ne sont eins p descent, ne per
purchase.

Entre ad communem
Legem.

Aluxy il y ad un Brieve del
Entre ad communem le-
gem, & gist lou tenant a terme
de vie, tenant a terme d'auter
vie, tenant per le curtesie, ou
tenant en dower alien & de-
vie, donques celuy en le re-
version aua l' avantdit Brieve
devers quecunque q soit eins
apres en les dits tenements.

The Exposition of

Entre in casu proviso.

Ally Brieſe de *Entre in casu proviso* giſt, ſi tenant en dower alien en fee, ou pur terme de vie, ou pur autre vie, vivant le tenant en dower, celuy en le reversion avera le Brieſe, appel Brieſe de *Entre in casu proviso*, & ceo eſt purview per leſtatute de *Gloceſt. cap. 7.*

Entre in casu conſimili.

Ally Brieſe de *Entre in casu conſimili* giſt, ſi tenant per terme de vie, ou tenant per la courteſie alien en fee, vivant eux celuy en le reversion, avera un Brieſe, appel Brieſe de *Entre in conſimili casu*, & ceo eſt per leſtatute de *weſt. 2. cap. 24.*

Entre ad terminum qui preteriit.

Ally Brieſe de *Entre ad terminum qui preteriit* giſt, ſi un home leſſa terres a un autre per terme de ans, & le tenant tient ouſter ſon terme, donques le Leſſor avera Brieſe que eſt appell Brieſe de *Entre ad terminum qui preteriit.*

Et auxy ſi terres ſont leſſes a un home p^r terme d'autre vie, & ceſty p^r que vie les terres ſont leſſes devie, & le leſſee tient ouſter, donques le leſſor avera ceſt Brieſe.

Entre in the caſe provided.

Alſo a writ of *Entre in casu proviso* lyeth, if tenant in dower alien in fee, or for terme of life, or for anothers life, living the tenant in dower, hee in the reversion ſhall have the writ called the writ of *Entre in casu proviso*, and this is provided by the Statute of *Gloc. chap. 7.*

Entre in casu conſimili.

Alſo a writ of *Entre in casu conſimili* lyeth, if tenant for terme of life, or tenant by the curteſie alien in fee, living them in the reversion, hee ſhall have a writ, called a writ of *Entre in casu conſimili*, and this is by the Statute of *Westm. 2. chap. 24.*

Entre ad terminum qui preteriit.

Alſo a writ of *Entre ad terminum qui preteriit* lyeth, if a man lease land to another for terme of yeares, and the tenant hold over his terme, then the Leſſor ſhall have a writ, which is called a writ of *Entre ad terminum qui preteriit.*

And alſo if lands be leased to a man for terme of anothers life, and he for whole life the lands are leased bye, and the leſſee holds over, then the leſſor ſhall have this writ.

**Entre without assent of
the Chapter.**

Also writ of Entre sine assensu Capituli iteth, where an Abbot, Prior, or such as hath Covent or common seale, alieneth lands or tenements of the right of his Church, without the assent of the Covent or Chapter, and dieth, then the successor shall have this writ.

**Entre for marriage
in speech.**

Also a writ of Entre causa matrimonii præloquuti iteth where Lands or tenements are given to a man upon such a condition, that he shall take her to his wife within a certain time, and hee doe not espouse her within the said terme, or espouse another woman, or make himselfe Priest, or enter in Religion, or him disable, so that he cannot take her according to the said condition, then the Donor and her heires shall have the said writ against him, or against whoe soever is in the said Land: And also it behoveth, that this condition bee made by Indenture, or otherwise this writ doth not lye: and all these and other writs of Entre may be made in the Per, Cui, and Post.

Entrusion.

Entursion is a writ, and it lyeth where a Tenant for

**Entre sine assensu
capituli.**

Auxy Brieft de Entre sine assensu Capituli gift loun an Abbe, Priour, ou tiel que ad Covent ou common seale, aliena terres ou tenements del droyt de son Eglise, sauns le assent del Covent ou Chapter, & devie, donques son successor avera cest Brieft.

**Entre causam matrimonii
præloquuti.**

Auxy Brieft de Entre causa matrimonii præloquuti gift lou terres ou tenements sont done a un home, sur tiel condition, que il prendra le Donour a sa feme deins certaine temps, & il ne luy espousa deins la dit temps, ou espouse auter feme, ou luy fayt Priestre, ou enter en Religion, ou luy disable, if sint que il ne puit luy prender accordant a le dit condition, donques la feme Donour & ses heyres avera le dit Brieft vers luy, ou vers quecunque est eins en le dit terre. Auxy il covient, q cest condition soyt fayt per Indenture, ou autrement cest Brieft ne gift: & routs ceux & auters Brieses de entre poient este fait en le Per, Cui, & Post.

Entrusion.

Entursion est un Brieft, & gift lou Tenaunt a terme
T 4 de

The Exposition of

de vie devie seisie de certaine terres ou tenements, & un estraunge entra, celuy en la reversion avera le dit Brieſe vers l'abator, ou vers quecunq̃ que ſoit cins apres leur entruſion.

Auxy un Brieſe de entruſion ſerra maintainable par le ſucceſſour deun Abbe vers l' Abator, que entre en aucun terres ou tenements, *Tempore vacationis*, que apent a la Eſgliſe, per Statute de *Marlebridge*, cap. ultimo.

Et il ſemble que le difference prenter un entrudor & un Abator eſt en ceo, que un Abator eſt celuy que entra en terres voyd per le mort d'un Tenant en fee, & un entrudor eſt celay que entra en terres void per le mort d'un tenant p̃ terme de vie ou ans. Veies *F. N. B. fo. 203.*

Entruſion de gard.

Entruſion de gard eſt un Brieſe que giſt ou le heire deins age entra en ſes terres, & tient hors ſon Seignior, car en tiel caſe le Seignior navera le Brieſe de *communi Cuſtodia*. mes ceſt Brieſe de entruſion de Gard, Veiel *N. B. fol. 90.*

Equitie.

EQuitie eſt un deux maners, divers moult l'un del autre, & ſont de contrarie effects, car l'un abridge, diminiſh, & tol le letter del Ley,

terme of life dyeth ſeſſed of certain lands or tenements, and a ſtranger entreth, hee in the reversion ſhall have the ſaid writ againſt the abator, or againſt whomſoever that is in after their intruſion.

Also a writ of Entruſion ſhall be maintainable by the ſucceſſour of an Abbot againſt the abator, which ſhall enter in the lands or tenements in the time of vacation that belongeth to the Church, by the Statute of *Marlebridge*, the laſt Chapter.

And it ſeemeth the difference between an Intrudor and an Abator is this, that an Abator is he that entreth into land void by the death of a Tenant in fee, and an Intrudor is he that entreth into lands void by the death of a Tenant for terme of life or yeeres. See *F. N. B. fol. 203.*

Entruſion de gard.

Entruſion de gard is a writ which lies where the heire within age entreth in his lands and holds out his Lord, for in ſuch caſe the Lord ſhall not have the writ de *communi Cuſtodia*, but this writ of Entruſion of the Ward, Old *N. B. fol. 90.*

Equitie.

EQuitie is in two ſorts, differing much the one from the other, and are of contrary effects, for the one doth abridge, diminiſh, & take from the letter of

of the Law, the other doth enlarge amplifie, & adde thereunto.

The first is thus defined, Equitie is the correction of a Law generally made in that part wherein it faileth, which correction of the generall words is much used in our Law. As for example, When an Act of Parliament is made, that whosoever doth such a thing shall be a Felon, & shall suffer death, yet if a mad man, or an Infant of young yeares that hath no discretion doe the same, they shall be no Felons, nor suffer death therefore.

Also if a Statute were made, That all persons that shall receive, or give meate and drinke, or other succour to any that shall do such a thing, shall be accessory to his offence, & shall suffer death, if they did know of the fact, yet notwithstanding one doth such an act, & cometh to his wife, who knowing therof doth receive him, and gives him meat and drinke; she shall not be accessory, nor Felon, for in the generalitie of the said words of the Law, he that is mad, nor the infant, nor his wife were included in meaning.

And thus equity doth correct the generalitie of the Law in those cases, & the generall words are by equity abridged.

The other equity is defined after this sort, Equity is when the words of the Law are effectually directed, and one thing only provided by the words of the Law, to the end that all

l'auter enlarge, amplifie, & adde a ceo.

Le premier est issint define, *Equitas est correctio Legis generatim lata qua parte deficit*, le quel correction del general parols est moult use en nostre Ley. Sicome par exemple, Quant Act de Parliament est fait, quecunque que fait tiel act, serra felon, & serra mise el mort, uncore si home de non sane memorie, ou enfant de tender age, que nad discretion le fait, ils ne serront felons, ne mise al morte.

Auxy si estatute soit fait, Que tous persons que receiveront, ou doneront maunger ou boyer, ou auf ayd a cestuy q' ferra tiel act, serront accessarie a son offence, & serront mise al morte, si ils conusteront del fait, uncore l'un fait tiel act, & veigne a sa proper feme, que sciant ceo luy receive, & done maunger & boyer a luy, il ne serra accessarie, ne felon, car en le generaltie d' les dits parols d' Ley, cestuy de non sane memorie, ne l'enfant, ne le feme fueront enclude en entent.

Et issint equity corre& le generaltie d' Ley en ceux cases, & les parols generals sont per equitie abridge.

L'auter equitie est define en tiel manner, *Equitas est verborum Legis directio efficiens, cum una res solummodo Legis cavetur verbis, & omnia alia in equali genere, eisdem caveantur*

The Exposition of

autur verbis: & issint quant les parols enact un chose, ils enact tous choses que sont en semblables degres, sicome le Statute que ordeigne, que en action de Det vers Executors, cestuy que vient per distresse respondera, extendra per 'equitie al Administratours, car cestuy de eux que vient primes per distresse, respondera per equitie del dit act, *quia sunt in equali genere*.

Issint le Statute de Gloucester done l'action de Waste, & le punishment de ceo vers cestuy que tient pur vie o'z ans, & per l'equitie de ceo home avera action de Waste vers cestuy que tient forsque pur un an, ou demy an, & uncore ceo est hors del parols del estatute, car cestuy que tient forsque pur demy an, ou un an, ne tient pur ans, mes ceo est l'entent, & le parols quel enact l'un, per equitie enacteront l'auter.

Errant.

E*rrant*, id est, *Itinerans*, venust del parol Francois *Errer*, id est, *Errare*, ou d'l vieux parol *Erre*, id est, *Iter*. Et est appropriate as Justices que alont en circuit, & as Bailies a large, q pur ceo sont appelle Justices Errants & Bailies Errants, eo q ils alont & travaillent del un lieu al autre, lun p faire justice, & l'auter pur executor proces. Veies *Eyre*.

things of the like kind may be provided by the same: & so when the words enact one thing, they enact all other things that are of like degree, as the Statute which ordaines, That in an action of Debt against executors, he that doth appeare by distresse shall answer, doth extend by equity to Administrators, for such of them as doth appeare first by distresse, shall answer by equity of the said act, because they are of the like kind.

So likewise the Statute of Gloucester gives the action of waste, and the paine thereof against him that holds for life or yeares, and by the equity of the same a man shall have an action of waste against him that holdeth but for one yeare or halfe yeare, and yet this is without the words of the Statute, for he that holdeth but for halfe a yeare, or one yeare, doth not hold for yeares, but that is the meaning, and the words that enact the one, by equity enact the other.

Errant.

E*rrant*, id est, *Itinerans*, cometh of the French word *Errer*, id est, *Errare*, or of the old word *Erre*, id est, *Iter*. And it is appropriated unto Justices that goe circuit, and to Bailiffes at large, who are therefore called Justices Errants, & Bailiffes Errants, because they goe and travaille from place to place, the one to do Justice, & the other to execute processe. See *Eyre*.

Errour.

Erreur.

ERRour is a fault in a judgement, or in the processe, or proceeding to judgment, or in the execution upon the same in a Court of Record, which in the civil Law is called a Nullitie. And also Errour is the name of a writ, & it lyeth where judgment is given in the common place, or before the Justice in Assise, or Oyer & Terminer, or before the Mayor & Sheriffs of London, or in other Court of Record, against the Law, or upon undue & wrong processe, then by this writ the party grieved against whom the judgment is given shall have this writ, & thereupon cause the Record & Processe to be removed before the Justices of the Kings Bench, & if the errour be found, it shall be reversed: But if an erroneous judgment be given in the Kings Bench, then it cannot be reversed but by Parliament, untill the Statute of 27. Eliz. cap. 8.

Also if such a default in judgment be given in a Court that is not of record, as in a County, Hundred, or in Court Baron, then the party shall have a writ of false judgment, for to make the record to come before a Justice of the Common place. Also if Errour be found in the Exchequer, it shall be redressed by the Chancellor and Treasurer, as it appeareth by the Statute of E. 3. an. 31. cap. 12. & 31. Eliz. cap. 1.

Error.

ERRor est un fault en un jugement, ou en le processe, ou proceeding al jugement, ou execution sur ceo en Court de Record, quel fault en le civil Ley est appel un Nullitie. Et auxy Error est le nome d'un Briefe, & gift lou jugement est done en le common Banke, ou devant Justice in Assise, ou devant Justice de Oyer & Terminer, ou devant le Mayor ou Viscount de Londres, ou en autre Court de Record contra le Ley, ou sur undue ou male pces, donques per cel Briefe, le parle grieve vers que le jugement est done avera cel Briefe, & per ceo causera le Recorde & Processe estre remove d'avant les Justices de Banke le Roy, & la fil error soit trove, il serra reversa: Mes si erroneous judgement soit done en Banke le Roy, donques il ne poit estre reverse forsque per Parliament, tanque le Statute, 27. Eliz. cap. 8.

Auxy si tiel default soit en Judgement done en Court que nest de record, come en Countie, Hundred, ou Court Baron, donque le partie avera Briefe de faux judgement pur faire le record venter devaunt justice de common Banke. Auxy si Errour soit trove en Leschequer, il serra redresse per le Chancellor & Treasurer, ut patet per Statute Ed. 3. an. 31. ca. 12. & 31. Eliz. cap. 1.

Escape

The Exposition of

Escape.

Escape est lou un que est arrest deveigne a son libertie devant que il soit delivrer p' agard de aucun Justice, ou p' order de Ley.

Escape est en deux sorts, viz. voluntary & negligent.

Voluntary Escape est qnt un arrest auter per Felonie, ou auter crime, & puis ce-luy en que custodie il soit, luy lesser aier lou il voit, cel lessier de luy aler est un voluntary escape.

Et si l' arrest de cesty que escape fuit pur Felonie, ceo serra dit Felony en cestuy que luy lessier d' escaper, & si pur treason, il serra treason en luy, & si pur un trespasse, donq' trespasse, & sic de singulis.

Negligent escape est quant un est arrest, & puis escape encounter le volunt de cesty que luy arrest, & ne soit freshment pursue, & reprise devaunt que le pursuor perdra le view de luy, ceo serra dit negligent escape, non obstant que cesty hors de q' possession il escape luy, reprist apres le view perdu. Auxy si un soit arrest, & puis escape, & est a son libertie, & cestuy en que garde il fust luy reprise apres, & luy a mesme a le prison, uncore il est escapeen luy.

Auxy si un Felon soit arrest per le Constable, & amesme a le Gaole en le Countie, & le Gaoler ne voit luy receiver, & le Constable luy

Escape.

Escape is where one that is arrested commeth to his liberty before that he be delivered by award of any Justice, or by order of Law.

Escape is in two sorts, that is to say, voluntary & negligent.

Voluntary Escape is when one both arrest another for Felonie, or other crime, and after hee in whose custody hee is, letteth him goe where hee will, this lettting him goe is voluntary Escape.

And if the arrest of him that escaped were for Felony, then that shall be Felony in him that did suffer the Escape, and if for treason, then it shall be treason in him, and if for trespasse, then trespasse, and so in all other.

Negligent Escape is when one is arrested, & after escapes against the will of him that did so arrest him, & is not freshly pursued, and taken before the pursuer loseth the sight of him, this shall be said a negligent Escape, notwithstanding that hee out of whose possession he escaped, doe take him after hee lost sight of him. Also if one be arrested, & after Escape, & is at his liberty, and hee in whose ward hee was, take him afterward, & bring him to the Prison, yet it is an escape in him.

Also if a Felon bee arrested by the Constable, and brought to the Gaole in the County, and the Gaoler will not receive him, and the Constable letteth him

him goe, and the Gaoler also, and so hee escapeth, this is an escape in the Gaoler, for that in such case the Gaoler is bound to receiue him by the hand of the Constable without any precept of the Iustice of Peace. But otherwise it is, if a common person arrest another upon suspicion of Felony, there the Gaoler is not bound to receiue him without a precept of some Iustice of Peace. There is an escape also without arrest, as if murder be made in the day; and the murderer be not taken, then it is an escape, for the which the Towne where the murder was done shall be amerced.

And it is to be obserued, That a man may be said to escape, notwithstanding that he alwaies continueth in Prison. And for this if a man be in Prison upon two executions at the suit of two severall men, and then the old Sheriffe delivers over this Prisoner to the new Sheriffe by Indenture, according to the usuall course, and in the said Indenture maketh no mention of one of the said executions, this omission shall be said an escape in Law instantly, for which the old Sheriffe shall answer, although the execution was matter of Record, whereof the new Sheriffe might have taken notice. But otherwise it is where the old Sheriffe dyeth, for in such case it behooveth the new Sheriffe at his perill to take notice of all the executions that

demir, & le Gaoler auxy, & if sint il escape, cest est un escape en le Geolen, pur ceo q en tiel case le Gaoler est tenu de luy resceiver p le maine del Constable sans aucun precept de le Justice de Peace. Mes autrement est si un common person arrest auter pur suspicion de Felonie, la le Gaoler nest tenu de luy resceiver sauns precept de aucun des Justices de Peace. Il y ad un escape auxy sauns arrest, come si murder soit fait en le jour, & le murderer ne soit prise, donque il est escape, pur que le Ville ou le murder fuit fait serra amercie.

Et est destre observe, Que home poit estre dit d escaper nient obstant q il tous foits remaine en prison. Et pur ceo, si home soit en prison sur dux executione al suit de dux severall hoës, & donqs l'ancien Viscount deliver ouster cest prisoner al novel Viscount p Indenture, accordant al usual manner & en le dit Indenture ne fait aucun mention d'un des dits executions, cest omission serra dit un escape en Ley immediatment, pur que le auncient Viscount responderra, nient obstant que l'execution fuit matter de record, de que le novel Viscount puit aver prise notice. Mes autrement est lou l'ancien Viscount-morust, car en tiel case covient al novel Viscount a son peril, de prender notice de tous les executions
que

The Exposition of

que font vers aucun person
que il trova en le Gaole:
Mes en le dit case ou le Vis-
count morust, & devant que
auter est fait, un que est en
execution enfreint le Gaole,
& depart a large, ceo est nul
escape, car quant un Viscount
morust, tous les prisoners
sont en le custodie del Ley,
tanque novel Viscount soit
fait. Veies *Co. lib. 3. fo. 72.*

Si le Viscount sur un *Ca-
pias ad satisfaciendum* a luy
direct, fait returne, *Quod
cepit Corpus*, & uncore nad le
corps en Court al jour de le
retorne, le Plaintife poit
aver son Action vers le Vis-
count pur l' Escape, nient
obstant que le partie issint
prise soit en le Gaole. Veies
7. H. 4. 11. Br. 107.

Eschete.

ESchete est lou un Tenaunt
en fee simple face Felonie,
p q il est pendue, ou abjure le
Realme, ou uslage de Felonie,
Murder, ou petit Treason, ou
si le Tenant morust sans heire
genil ou special, donques le
Sür de que le terre est tenus p
le Tenant, poit enter per voy
de escheat, ou si aucun auter
home enter, le Seignior avera
vers luy un briefe, appel briefe
de escheat, quel come semble
est derive del parol Francois
Eschien.

Escheator.

EScheator vient del dit parol
Eschete, & est le noime

are against any person that he
findeth in the Gaole: But in
the said case where the Sheriffe
dyeth, and before that another
is made, one that is in execu-
tion breaketh the Gaole, and
goeth at large, this is no escape,
for when a Sheriffe dyeth, all
the Prisoners are in the cu-
stody of the Law, untill a new
Sheriffe be made. See *Coke,*
lib. 3. fol. 72.

If the Sheriffe upon a *Ca-
pias ad satisfaciendum* to him di-
rected maketh returne, That he
hath taken the body and yet hath
not the body in Court at the
day of the returne, the Plain-
tiffe may have his Action a-
gainst the Sheriffe for the Es-
cape, although that the party so
taken be in the Gaole. See *7.*
H. 4. 11. Br. 107.

Eschete.

ESchete is where a Tenaunt
in fee simple doth Felony,
for the which he is hanged or
abjured the Realme, or be out-
lawed of Felony, Murder, or
petit Treason, or if the Tenant
dye without heire generall or
speciall, then the Lord of whom
the Tenant held the land may
enter by way of Escheat, or if a-
ny other enter, the Lord shall
have against him a writ, called
a writ of Escheat, which as I
thinke, is deribed of the French
word *Escheine.*

Escheator.

EScheator cometh from the
said word Escheate, and is the

the name of an Officer that ob-
serveth the Escheats of the
King in the Countrey wherof
he is Escheator, and certifieth
them into the Exchequer. This
Officer is appointed by the
Lord Treasurer, and by Letters
Patents from him, & continu-
eth in his office but one yeare,
neither can any be Escheator
but once in thre yeares, An. 1. H.
8. cap. 8. and An. 3. ejusdem, cap. 2.
See more of this Officer and
his authority in Cromptons Ju-
stice of Peace. See An. 21. Ed. 1.
The forme of the Oath of the
Escheator is in the Regist. orig.
fol. 301. b. And the Escheator
is an Officer of record, & may
ordaine an under Escheator, as
the Sheriffe may an under
Sheriffe, yet the Escheator can-
not returne any office by vertue
of his office, but he shall be pu-
nished: See F. N. B. 100. Offic'
Escheatrix is the Escheatorship:
Reg. orig. fol. 259.

Exchequer.

Eschequer, Scaccarium, com-
monly of the French word
Eschequier, id est, Abacus, which
in one signification is taken for
a Counting Table, or for the
art or skill of Counting. And
from thence (as some think) the
place or Court of the receits
and accounts of the revenues
of the Crown is called the Ex-
chequer. Others have other-
wise derived the name. But the
Exchequer is defined by Ma-
ster Crompton in his Jurisdi-
ction of Courts, fol. 105. to be

del Officer que regarda les
Escheates del roy en l' Coun-
te de que il est Escheator, &
certifie eux en le Eschequer.
Cest Officer est designe per
le Seignieur Treasurer, & per
Letters Patents de luy, &
continua en son office forsq;
un an, neque poyt aucun estre
Escheatour forsq; un foys
en troys ans, Anno. 1. Hen. 8.
cap. 8. & an. 3. ejusdem cap. 2.
Veies pluis de cest Officer &
son authority, en Cromptons
Justice de Peace. Veies An. 21.
Ed. 1. Le forme del Serement
del Escheator veies en l' Reg.
orig. fo. 301. b. Et l' escheator
est un Officer de record, &
puit ordein un south escheat,
come le Visc' puit un south
Visc', une l' escheator ne pu-
it returne aucun office *virtute*
officii, mes il serra punie. Veies
F. N. B. fo. 100. *Officium Es-*
cheatrie est l' escheatorship.
Reg. orig. fo. 259.

Eschequer.

Eschequer, Scaccarium, ve-
nust del parol Francois
Eschequier, id est, Abacus, que
en un signification est prise
pur un Counting Table, ou p
l' art ou science del Compter.
Et de ceo (come aucuns pen-
soient) le lieu ou Court des
receits ou accounts des reve-
nues del Corone est appel
l' Eschequer. Auters ont au-
terment derive le nomme de
ceo. Mes l' eschequer est define
per M. Crompton en son *Jurisi-*
dictio des Courts, fol. 105.
destre

The Exposition of

destre un Court del record, en que tous les causes que concerne les revenewes l' Corone sont traets.

Esneey.

ESnecy é un immunitie done al plus eigne coparceñ de eslie primmt puis l'nheritace est divide, *Flet. l. 5. ca. 10.*

Escuage.

EScuage est appel en Latine *Scutagium*, cest adire, *servitium Scuti*, & cesty que tient per escuage, tient per service de Chival, & a ceo appent Gard, Marriage, & Reliefe: mes ceo serra intend d'escuage non certaine, quant l' escuage courage per tout engleterre, quant est ordeine per tout le Councel d'engleterre, que après les guerres, chescun Seignior aua certaine somme de son Tenaunt que ne fuyt en le dit guerre. Mes si le Tenaunt que tient d'ascun Seignior per escuage, soit que le Roy en ses Guerres en escors, & le Seignior voit distreine luy pur escuage, il serf bon plee adire, que il fuit ove le Roy en Escoce en le guerre, & ceo serra trie per le Marshall le Roy.

Et nota bien, Que home ne poyt tener per escuage, si non que il teigh per homage, per ceo que escuage de common droyt treyte a luy homage, come il fuyt adjudge *é Term. H. 21. Edw. 3. cap. 42. fol. 52. Avowrie 115.* Et nota bien,

a Court of Record, wherein all causes touching the revenewes of the Crowne are handled.

Esneey.

ESnecy is a privilege given to the eldest coparcener to choose first after the Inheritance is divided, *Flet. lib. 5. cap. 10.*

Escuage.

EScuage is called in Latine *Scutagium*, that is, service of the Shield, and he that holds by Escuage, holds by Knights service, and to that belongeth ward, marriage, and reliefe: but that shall be intended of Escuage not certaine when the Escuage runnes through Engeland, when it is ordained by all the Councell of England, that after the warre every Lord shall have a certaine summe of his Tenant which was not in the said warre, but if the Tenant which holdeth of any Lord by Escuage, be with the King in his warres in Scotland, and his Lord will distraine him for Escuage, it shall bee a good plee to say, he was with the King in Scotland in his wars, and that shall be tried by the Kings Marshall.

And note well, That a man may not hold by Escuage, unless he hold by Homage, for that Escuage of common right draweth to him Homage, as it was adjudged in *Term. Hen. 21. Edw. 3. chap. 42. fol. 52. Avowrie 215.* And note well, That

That *Eſcuage* is a certaine ſumme of money, and it ought to be leuied by the Lord of his Tenant, after the quantity of his tenure. Wher *Eſcuage* runneth through all England. And it is ordained by all the Council of England, how much every Tenant ſhall giue to his Lord, and that is properly to maintaine the wars betweene England and them of Scotland, or of Wales, and not between other lands, for that that those aforeſaid lands ſhould be of right belonging to the Realme of England. See *Lit. lib. 2. cap. 3.*

Eſplees.

Eſplees is as it were the ſeizin or poſſeſſion of a thing, profit, or commodity that is to be taken, as of a Common, the *Eſplees* is the taking of the graſſe or common by the mouthes of the Beasts that common there: Of an *Aduowſon*, the taking of groſſe tythes by the Parſon preſented thereto: Of wood, the ſelling of wood: Of an Orchard, the ſelling of apples and other fruit growing there: Of a Mill, the taking of ſole is the *Eſplees*, and of ſuch like. And note that in a writ of right of land or *aduowſon*, or ſuch like, the Demaundant ought to alledge in his Count, That hee or his Anceſtors took the *Eſplees* of the thing in demand or otherwiſe, the pleading is not good.

Que *Eſcuage* eſt vn cerreyne ſumme de Argent, & doyt eſtre louie per le Seignior de ſes tenants, ſolouque l' quantitie de ſon tenure, quauant l' *Eſcuage* courage per tout Engleſre. Et ordeigne eſt per tout le Council D'engleſre, quant chieſcun tenant doia a ſon Shir, & ceo eſt proprement pur ſuſteyner le guerre perentier Engleterre, & ceux de Eſcoce, ou de Gales, & non pas perent ouſs fres, par ceo que les auantdir terres ſeront de droyt appendant a le Realme D'engleterre. *Vide Lit. l. b. 2. cap. 3.*

Eſplees.

Eſplees eſt ſicome l' ſeyſin, ou poſſeſſion d'un choſe, profit, ou commoditie que eſt a prendre, cõe d'un Cõmon, les *Eſplees* eſt l' prendre d'el graſſe ou common p les bouches de les Beasts q common la: Dun *Aduowſon*, le prend' degros diſmes per le Parſon preſent al ceo: De boys, le vnder de boys: Dun Orchard, le vender de pomes & auters fruits creſſant la: Dun Molin, le priſel de tolle eſt les *Eſplees*, & de tiels ſemblables. Et nota, que en Brieſe de droyt de terre ou *aduowſon*, ou tiels ſemblables, le Demaundant doit alleadge in ſon Count, que il ou ſes Anceſtors priſe les *Eſplees* d' choſe en demand ou autrement, le count n'eſt bon.

The Exposition of

Essendi quietum de Tolonio.

Essendi quietum de Tolonio est un Briefe de stre quit d Tolle, & gist en case ou les Citizens ou Burgesles de ascun Citie ou Borough ount est quit de Tolle per Graunt des Progenitours del Roy per tout le Royalme, ou per Prescription, donq si ils des dits Cities, ou ascun home des dits Cities or Boroughs, veignent oue ses Merchandises a ascun Ville, Fayre, ou Market, & la eux mit a vender, on achatont ascuns Merchandises, si les Officers del dit Ville voile demaunder ascun Tolle de luy encoun l' Charter le Roy, ou encounter le Usage & Custome, donque il puit suer & aver tiel Briefe, *F. N. B. fol. 226. Regist. Orig. fol. 258.*

Essoine.

Essoine est lou vn Action est Port, & le Plaintife ou Defendaunt ne poyt byen appear al iour en Court p vn de cinq causes desouth expresse, donques il serra essoine de sauuer son default.

Nota, Que sont cinque maners de Essoines, cest adire, Essoine de ouster le mere, & per ceo le Defendaunt auera iour per xl. iours. Le second Essoine est *De terra sancta*, & sur ceo le Defendaunt auera iour per un an & vn iour, & les deux serront gist al com-

Essendi quietum de Tolonio.

Essendi quietum de Tolonio is a writ to be quit of Toll, and lyeth in Case where the Citizens or Burgesles of any City or Borough haue bin acquitted of Toll by the Grant of the Kings Progenitours throught out the whole Realme, or by Prescription, then they of the said Cities, or any man of the said Cities or Boroughs come with his Merchandises to any Towne, faire, or Market, and there put them to sale, or buy any Merchandises, if the Officers of the said Towne will demand any Toll of them against the Kings Charter, or against the Usage and Custome, then he may sue and haue such a Writ, *Fitz. N. B. fol. 226. Regist. Original. fol. 258.*

Essoine.

Essoine is when an Action is brought, and the Plaintife or Defendant may not well appear at the day in Court, for one of the five causes vnder specified, then he shall be essoined to save his default.

Note, That there be five manner of Essoines, viz. Essoine De ouster le mere, and by that the Defendant shall haue a day by xl. dayes. The second Essoine De terra sancta, and vpon this the Defendant shall haue a day by a yere and a day, and these twaine shall be laid in the

the beginning of the Plee. The third Essoine is *De male vener*, and that shall be adiourned to a common day, as the Action requireth, and this is called the Common Essoine, and when, and how this Essoine shall be, looke the Statutes, and the Abridgement of Statutes, where it is well declared. And the 4. Essoine is, *De malo lecti*, and that is only in a writ of Right, and thereupon there shall a Writ goe out of the Chancery directed to the Sheriffe, that he shall send foure Knights to the Tenant to see the Tenant, and if he be sicke, to giue a day after a yere and a day: Also the fifth Essoine is *De service del Roy*, and it lyeth in all Actions, except in Assise De Novel Disseisin, a Writ of Dower, Darreine presentment, and appeale of Murder, but in this Essoine it behooueth at the day to shew his excusant, or else it shall turne vnto a default, if it be in a plee reall or else he shall lose xx. s. for the iourney, or more, by the discretion of the Justice, if it be in a plee Personall, as it appeareth by the Statute of Glocest. cap. 8.

Essoino de malo lecti.

Essoino de malo lecti is a writ directed to a Sheriffe, for the sending of foure lawfull Knights to view one that hath essoined himselfe *De malo lecti*, Reg Orig. fo. 8. b.

mencement, del Plee. Le tierce Essoine est *De male vener*, & ceo serra adiourne al common iour, come Action require, & appel le common Essoine, & quant, & coment cest Essoines serra: veies les Statutes, & lieure de *Abridgement de Statutes*, lou il est bñ declare. Auxy le 4. Essoine est *De malo lecti*, & ceo es lement en Brieife de Droit, & sur ceo issera Brieife hors del Chancerie, direct al Viscount, que il maundera quat Chiualers, al Tenant de veier le Tenant, & si il soit malady, de don a luy iour aps vn an & vn iour. Auxy le 5. Essoine est *De service del Roy*, & gist en tous Actions forsque en Assise De Novel Disseisin, Brieife de Dower, Darreine presentment, & en appeale de Murder, mes en cest Essoine il couient al iour de monstre son Garrant, ou auterment il turnera a un default, sil soit en plee real, ou auterment il perdera xx. s. pur le iourney, ou pluis, per le discretion del Justice, sil soit en plee personnel, vt patet per le Statute de Glocest. cap. 8.

Essoino de malo lecto.

Essoino de malo lecto est un Brieife direct al Viscount, pur le mir d quat loyal Chiualers a veyer vn que ad essoin luy mesme *De malo lecti*. Reg. Orig. fol. 8. b.

The Explication of

Establishment de Dower.

E*stablishment de Dower* sem-
ble destre l' assurance de
dower fait per le Baron ou
ses amies, d'uant ou al temps
del espousels; & assignement
de dower est le mittant ceo
hors per le heire aps, accordt
al establishment. *Brit. cap.*
102. 103.

Estandard.

E*standard* ou *Standard* im-
plia vn Ensigne é l' guerre,
mes il est auxy vse p le prim
ou ceraine mesure del Roy,
proportion de que tous les
mesures per le terre deuoi-
ent estre fait per le Clerke
del Market, Anlneageor, ou
anl Officer, accordant a lour
function.

Car ill fuit establie p l' Sta-
tus de *Magna Charta*, *An. 9.*
H. 3. cap. 25. que la serroit for-
que vn assise de poys & mea-
sures per tout le Roialme,
le quel est iammes confirme p
An. 14. Ed. 3. cap. 12. & plusors
auts Statutes, cõe auxy q tours
ferroyent fayt al Estandard,
seale ouie le seale le Roy.

Et bone cause la est, que il
serroit appel Estandard, pur
ceo que il estoia constant &
immoue, & ad tous auters
mesures vient a icel p lour
conformitie, en meime le ma-
ner come soldiors, é le champ
oit lour Estandard ou Colors
pur lour direction en lour
March ou Battel. De eux E-

Establishment de Dower.

E*stablishment de Dower* sé-
meth to be the assurance of
dower made by the husband or
his friends, befoze or at the time
of the marriage; and assigne-
ment of dower is the setting it
out by the heire afterward, ac-
cording to the establishment,
Brit. ca. 102. 103.

Estandard.

E*standard* or *Standard* signi-
feth an ensigne in war, but it
is also vled for the principall or
standing measure of the King, to
the proportion whereof all the
measures thzough the land are
and ought to be framed by the
Clerk of the Market, Tame-
ger, or other Officer according
to their function.

For it was established by the
Statute of *Magna Charta*, *An. 9.*
H. 3. c. 25. that there should be but
one quanting of weights & mea-
sures thzough all the Realme,
the which is since confirmed by
An. 14. Ed. 3. ca. 12. and many o-
ther Statutes, as also that all
should be fitted to the Stand-
ard, sealed with the Kings seale.

And there is good reason that
it should be called a *Standard*,
because it standis constant and
immoueable, and hath all other
measures comming towards it
for their conformity, even as
souldiers in the field haue their
Standard or *Colours* for their
direction in their March or
Skirmish. Of these Stand-
ards

ards and Measures, reade Brit-
ton. cap. 30.

standards & Measures, lies
Brit. cap. 30.

Estate.

EState is that tittle or interest
that a man hath in lands
or tenements, as estate simple,
otherwise called fee simple,
and estate conditionall, or upon
condition, which is either up-
on condition in deed, or upon
condition in Law. See Little-
ton, lib. 3. cap. 5.

Estate.

EState est cel tittle ou inte-
rest que home ad en frees
ou tenements, come estate
simple, autern ent appel Fee
simple, & estate conditional,
ou sur condition, que est ou
sur condition en fait, ou sur
condition en Ley. Veies Lit.
lib. 3. cap. 5.

Estoppel.

EStoppel is when one is con-
cluded, and forbidden in Law
to speake against his owne act
or deed, yea, though it be to say
the truth.

And of Estoppels there are
a great many: One for exam-
ple is, when I. S. is bound
in Obligation by the name of
C. S. or any other name, and
is sued afterward according to
the name in the Obligation,
that is to say, C. S. now he
shall not be receiued to say, that
he is misnamed, but shall be dri-
uen to answer according to the
name put in the Obligation,
that is to say, C. S. for perad-
venture the Obligee did not
know his name, but by the re-
port of the Obligor himselfe,
and inasmuch as he is the same
man that was bound, hee shall
be estopped, and forbidden in
Law to say contrary to his
owne deed, or otherwise hee
might take advantage of his
owne wrong, which the Law
will not suffer a man to doe.

Estoppel.

EStopple est quant vn est
conclude & denie en Ley
à parler encounter son act ou
fait d'ém, nient obstant il soit
à dire le verité.

Et de Estoppels il y ad vn
grand number: Vn par exemple
est, quant I. S. est oblige en
vn Obligation per le nomme
de T. S. ou ascun autre nomme,
& est sue apres accordant al
mesme le nomme mis en l' Ob-
ligation, cest adire, T. S. ore
il ne serra receiue adire, que
il est misnomme, mes serra
chase a responder accorde al
nomme mis en l' Obligation,
cest adire, T. S. car peraduen-
ture l'obligee ne scauoit pas
son nomme, mes per le report
tantolement del Obligor
mesm, & entant q il est mesm
le home que sult oblige, il
serra estoppe, & denie en Ley,
pur adire le contrarie encounf
son fait demesne, car autermt
il poit prend' aduanage à son
tort demesne, le quel le Ley ne
voit suffer vn home de fair.

The Exposition of

Auxy si le file que est heire a son pere, voit suer l'uerie oue sa soer que est vn Bastard, el ne serra apres receiue pur dire que sa soer est vn Bastard, entant que si la Bastard soer prist le moitie del terre oue luy, il nad remedie per le Ley.

Auxy si vn home seise de terre en fee simple, voit prender vn lease pur ans de m le terre de vn estraunger per fait indent, cest vn estoppel durant le terme de ans, & le lessee est per ceo barre adire le veritie, car l' veritie est, Que il que lessa le terre nad riens en ceo al temps le lease fait, & que le fee simple fuit en luy que prist le lease: Mes ceo il ne serra receiue adire ranque apres les ans serra determine. pur ceo que il appiert que il ad estate pur ans, & il fuit son folly de prender vn lease de ses terres demesne, & pur ceo serra issing punie pur son folly.

Estouers.

EStouers sont nutriment ou maintenance: Et isint *Pract. lib. 3. Tract. 2. cap. 18. num. 2.* ceo usa pur tiel nutriment q home attach pur Felonie, est d' auer hors de sesterres ou bi ns pur luy mesme & son family durant son dures. Et le Statute de 6. Ed. 1. c. 3. ceo usa pur vn allowance en viands ou panne. Il est auxy v.e pur certaine allowances de boys destre prise hors del boys

Also if the daughter that is an heire to her father, will sue livery with her sister that is a Bastard, shee shall not afterwards be receiued to say that her sister is a Bastard, inso much that if her Bastard sister take halfe the land with her, there is no remedy by the Law.

Also if a man seised of lands in fee simple, will take a lease for yeeres of the same land of a stranger by deed indented, this is an estoppel during the terme of yeeres, and the lessee is thereby barred to say the truth, for the truth is, That he that leased the land had nothing in it at the time of the lease made, and that the fee simple was in him that did take the lease: But this hee shall not be receiued to say till after the yeeres are determined, because it appeareth that hee hath an estate of yeeres, and it was his folly to take a lease of his owne lands, and therefore shall thus be punished for his folly.

Estovers.

EStovers are nourishment or maintenance: And so Bracton, lib. 3. Tract. 2. c. 18. num. 1. used it for such sustenance as a man taken for Felony is to have forth of his lands or goods for himselfe and his family during his imprisonment. And the Statute of 6. Ed. 1. cap. 3. useth this for allowance in meate or cloth. It is also used for certaine allowance of wood to be taken forth of another mans

mans wood; so it is used West. 2. cap. 15. Anno 13. Edw. 1. M. West. part. 2. tit. Fines, sect. 26. saith, That the name of Estovers containeth house-boote, hedge-boote, and plow-boote, as if he hath in his Grant these generall words, Of reasonable Estovers in the woods, &c. hee may thereby claime those three.

Estangers.

EStrangers are sometime taken they that are not parties or privies to the levying of a fine, or making of a deed: sometimes they that be bozne beyond the sea.

Estray.

EStray is where any beast or cattell is in my Lordship, and none knoweth the owner thereof, then it shall be seised to the use of the King, or of the Lord that hath such Estray by the kings grant, or by prescription: and if the owner come and make claime thereto within a yeere and a day, then he shall have it againe, or else after the yeere the propriety thereof shall be to the Lord, so that the Lord make proclamation thereof according to the Law.

Estrear.

EStrear is a figure or resemblance, and is commonly used for the Copy or true note of an Originall writing, as Estreats of Amerciaments imposed on the rolls of a Court to be levied by the Bayliffe

dun auter home, issint il est use West. 2. cap. 15. Anno 13. Edw. 1. M. West. part. 2. tit. Fines, sec. 26. dit, Quel' nosm d Estouers conteigne house-bote, hey-bote, & carue-bote, cōe sil ad en son Graunt ceux general parolx, *Derationabili Estoueria in boscis, &c.* il poit per ceo claime ceux trois.

Estrangers.

EStrangers sont ascun foits prise, ils que ne sont parties ne priuies al fine leuie, ou fens de vn fait: ascuns foits ils que sont nec ouster le mere.

Estray.

EStray est lou ascun beast ou cattel est en ascun Seignorie, & nul conust l'ownor de ceo, donques ceo serra seisie al oeps le Roy, ou de le Seigniour que ad tiel Estray per graunt le Roy, ou p prescription, & si l'owner vient & fait claime a ceo deins an & iour, donques il ceo reaura, ou auterment apres le an le proprietie de ceo serra al Seigniour, issint que le Shr face proclamation de c' accordant a le Ley.

Estrear.

EStrear est vn embleame ou resemblance, & est communement vse pur le Coppie ou voier note dun Original escripture, come Estreats de Amerciaments impose en les rolles dun Court destre levie

The Exposition of

per le Reeue ou autre Officer
de chescun hōe pur son peche.
Veies F.N.B. 27. & 76. Et
issint il est vse en Westm. 2.
ca. 2. An. 13. Edw. 1.

or some other Officer of every
man for his offence. See F.
N.B. 75. & 76. And so it is u-
sed in Westmink. 2. cap. 2. An-
no 13. Edw. 1.

Estrepmēt.

EStrepmēt est vn Briefe, &
gist lou vn est emplede
per vn *Præcipe quod reddat*
pur certaine terre, si le De-
mandant suppose que le
Tenaunt voile fayre wast
pendaunt le plee, il auera
vers luy cest Briefe que est
vn phibition, luy commaun-
dant que il ne face wast pen-
dant le plee.

Et cest Briefe gist proper-
ment lou vn home demande
terre per *Fermedon*, ou Briefe
de droit, ou tiels Briefes lou
il ne recouer dammage, car
en tiels Briefes lou il reco-
uera dammages, il auera ses
dammages, ayant regard al
wast fait.

Estate probanda.

Etate probanda est vn Briefe
de office, & gist pur le
heire le Tenaunt que tient
del Roy en capite, pur pro-
uer que il est de plein age,
direct all Viscount pur inqui-
rer de son age, & donques
il deuendra Tenaunt al Roy
p mesme les services que son
Ancestors fist al Roy: Mes il
est dit q chesc' q passer ē cest
enquest sera del age de xlii.
ans al meins, issint q le fuit d'
pleine age al temps qnt cestuy
q fust le Briefe fuit nee,

Estrepmēt.

EStrepmēt is a Writ, and
it lyeth where one is im-
pleaded by a *Præcipe quod red-
dat* for certaine land, if the De-
mandant suppose that the Te-
nant will doe waste hanging
the plee, he shall haue against
him this Writ, which is a pro-
hibition, commaunding him
that he doe no waste hanging
the p. ee.

And this writ lyeth properly
where a man demandeth lands
by *Formedon*, or writ of right,
or such writs where he shal not
recouer dammages, for in such
writs where he shall recouer
dammages, he shall haue his
dammages, habing regard to
the waste done.

Estate probanda.

Etate probanda is a writ of
office, and it lyeth for the
heire of the Tenant that held of
the King in chiefe, for to proue
that he is of full age, directed
to the Sherife to inquire of his
age, and then he shall become
tenant to the King by the same
services that his Ancestors
made to the King: But it is said
that every one that shall passe in
this enquest, shall be of the age
of xlii. yeares at least so that he
was of full age when he that
saith the writ was borne.

Exaction.

Exaction.

EXaction is a wrong done by an Officer, or by one pretending to have authority, in demanding or taking any reward or fee for that matter, cause or thing, for which the law alloweth not any fee at all.

And it seemeth that the difference between Exaction and Extortion is in this, That Extortion is where an Officer demandeth and receiveth a greater summe or reward than his just fee: And Exaction is where an Officer or other man demandeth and receiveth a fee or reward, where no fee or reward is due at all. See after, Extortion.

Exception.

EXception is a barre or stay to an Action, and is divided into exception dilatorie and peremptory: Of these two see Bracton. li. 5. Tract. 5. And Britton, cap. 91. 92.

Excommungement.

EXcommungement is to say in Latine Excommunicatio, and it is where a man by the judgement in Court Christian is Excommunged, then he is disabled to sue any Action in the Kings Court, and if he remaine Excommunicate xl. dayes, and will not be iustified by his Ordinary, then the Bishop shall send his Letter Patent to the Chancelloir to certifie this Excommunication or contempt,

Exaction.

EXaction est vn tort fait per vn Officer, ou p vn pretendant d auer authoritie, en demandant ou prenant ascun reward ou fee pur cel matter, cause, ou chose pur q le ley ne pas allowa ascun manner fee.

Et semble que le difference perenter Exaction & Extortion est en ceo, Que Extortion est lou vn Officer d maunda & extorta vn greinder summe ou reward que son voier fee: Et Exaction est lou vn Officer ou auter home demanda & vrger vn fee ou reward, lou nul manner de fee ou reward est due. Veies puis, Extortion.

Exception.

EXception est vn barre ou stoppe a vn action, & est diuide en exception dilatorie & pemptorie: De ceux amb. deux veies Bract. li. 5. Tract. 5. & Brit. cap. 91. 92.

Excommungement.

EXcommungement est adire en Latine Excommunicatio, & est lou vn home per la judgmet en Court Christian est Excommunge, donqs il est disable de suer ascun Action e Court le Toy, & sil remaine Excommunge xl. iours, & ne voile este iustifie per son Ordinarie, donques le Euesque mandera son Letter al Chauncellour de certifier le Excommunication ou contempt,

The Exposition of

tempt, & sur ceo serra commaund al Viscount de prendre le corps l' excommenge per vn Brieſe appel *De Excommunicato capiendo*, ielque il ad fait gree al ſaint Eſgliſe pur le contempt & tort, & quant il eſt iuſtifie, & ad fait gree, donque Leueſque maunde- ra ſes Letters al Roy, certi- fiant ceo, & donques ſerra maunde al Viſcount de luy deliuer per vn Brieſe ap- pel *Excommunicato delibe- rando*, Veies le Statute 5. El. cap. 23.

Exchange.

EXchange eſt lou vn home eſt ſeiſie de certaine terre, & vn auter home eſt ſeiſie de auter terre, ſi ils per vn fait in- dent, ou ſans fait, ſi le t̄res ſont en vn Countie, exchange lour terres, iſſint que cheſcun d' eux auera auters terres a luy iſſint exchange en fee, en fee taile, ou a terme de vie, ceo eſt ap- pel vn exchange, & eſt bone ſauns liuery & ſeiſin.

Auxy en exchange il co- uient que les eſtates a eux limit per l' exchange ſont egalles, car ſi vn aueroit eſtate en fee en ſa terre, & l'auter aueroit eſtate en auter terre forſque pur terme de vie ou en taile, donques tiel Ex- change eſt void, mes ſi les e- ſtates ſont egal, & les terres ne ſont d' egal value, vncore l'ex- change eſt bon. Auxy vn Ex- change d' rent pur t̄re eſt bon. Auxy Exchange inter Rent &

and thereupon it ſhall be com- manded to the Sherife to take the body of him that is accur- ſed, by a Writ called *De Excom- municato capiendo*, till he hath made agreemēt to ſolp Church for the contempt and wrong, and when he is iuſtified and hath made agreement, then the Biſhop ſhall ſend his Letters to the King, certifying the ſame, and then it ſhall be commanded to the Sherife to deliuer him by a Writ called, *De Excommuni- cato deliberando*. See the Sta- tute 5. Eliz. cap. 23.

Exchange.

EXchange is ſwhere a man is ſeiſed of certaine land, and another man is ſeiſed of other land, if they by a deed indented, or without deed, if the lands be in one County, exchange their lands, ſo that euery of them ſhall have other lands to him ſo exchanged in fee, fee taile, or for terme of life, that is called an Exchange, and is good with- out liuery and ſeiſin.

And in Exchange it beho- ueth that the eſtates to them limited by the Exchange be egall, for if one ſhould have an eſtate in fee in his land, and the other ſhould haue eſtate in the other land but for terme of life, or in taile, then ſuch Ex- change is voyd, but if the e- ſtates be egall, and the lands be not of egall value, yet the Exchange is good. Also an Ex- change of rent for land is good. Also an Exchange betweene Rent

Went and Common is good, and that ought to bee by deed. Also it behooveth alway, that this word Exchange bee in the deed, or else nothing passeth by the deed, except that he have livery and seisin.

Execution.

EXecution is where iudgment is given in any Action, that the Plaintife shall recover the land, debt, or dammages, as the case is, and when any writ is awarded to put him in possession or to doe any other thing, whereby the Plaintife should the better be satisfied his debt or dammages, that is called a writ of Execution, & when he hath the possession of the land, or is payed of the debt or dammages, or hath the body of the Defendant awarded to prison, then he hath Execution; and if the Plea be in the County, or Court Baron, or Hundred, and they defer the Execution of the iudgement in fauor of the party, or other cause, then the Demandant shall have a writ of Executione Iudicii. Note, that in a writ of debt a man shall not have recovery of any lands, but of them which the Defendant hath the day of the iudgement yielded. And of chattels, a man shall have Execution onely of the chattels which he hath the day of the Execution sued.

Executor.

EXecutor is when a man makes his Testament and

Common est bone, & ceo conuenient este per fait. Aunx il conuenient tous faits, que cest parol Exchange soit en le fait, ou autrement rien passa per le fait, sinon que il aiet luerie & seisin.

Execution.

EXecution est lou iudgment est done en ascun Action que le Plaintife recouera la terre, le det, ou dammages, cō le case est, & quant ascun Briefe est agard de luy mitter en possession, ou de fayre ascun chose, per que le Plaintife serra le mieux satisfie son det ou dammages, ceo est appel Briefe de Execution, & quaut il ad le possession de le terre, ou est pay de det ou dammages, ou ad le corps le Defendant agard al prison, donques il ad execution, & si le Plea soit en County, ou Court Baron ou Hundred, & ils delaient le Execution del iudgment en fauour de party, ou pur auſ encheason, donqs le Demandant auera Briefe de Executione Iudicii. Nota, que en Briefe de debt, home nauera recouerie de nul terre, mes de ceux que le Defendant auoyt iour de iudgement rendue. Et de chateux, home auera Execution solement des chateux queux il auoit iour d Execution sue.

Executor.

EXecutor est quant vn home fait son Testament & darreine

The Exposition of

reine Volunt, & en ceo nom-
ma le person que executera
son Testament, donques ce-
luy que est esliu nisme est
son Executor, & est a tant en
le Ciuil Ley come *Heres de-
signatus vel Testamentarius*, co-
me al det, biens, & chatels son
Testator, & tiel Eexecutour
aura Action vers chescun
debtor de son Testator, & si l'
Executors ont assets, chescun
a que le Testatour fuit indebt,
aura action vers l'executor, fil
ad obligation ou especiaitie,
mes en chescun case lou le Te-
stator puisset gager son Ley,
nul Action gist vers Execu-
tour. Veies pluis de ceo de-
uaunt titulo *Administrators*.

Exemplification.

Exemplification est ou home
voile auer ascun original
Record transcript & exempli-
fie hors del Court lou il re-
maine, a quel purpose il poit
auer vn Briefe, come appiert p
le *Regist. Orig. fol. 290.*

Et si home voile pleader
vn record en aus Court que
ceo lou il remaine, il couient
a luy de auer cel Record ex-
emplifie south le grand Seale
D'engleterre, fil soit denie,
car doit vner en le Chan-
cerie per *Certiorare*, & la de-
ste exemplifie south le grand
Seale, car fil soit exemplifie
south le Seale de common
banke ou del Excheqr, ou ti-
els seublables, ceo ne seruera,
forsque en euidence al Iury.
Veies *Co. lib. 5. fol. 53.*

last will, and therein nameth
the person that shall execute his
Testament, then he that is so
named is his Executor, and is
as much in the Ciuil Law as
*Heres designatus, or Testamenta-
rius*, as to debts, goods & chatels
of his Testator, and such an
Executor shall haue an Action
against every debtor of his Te-
stator, and if the Executors haue
assets, every one to whom the
Testator was in debt shall haue
an Action against the Executor,
if he haue an Obligation or spe-
cialty, but in every case where
the Testator might wage his
Law, no Action lyeth against
the Executor. See thereof be-
foze in the title *Administrators*.

Exemplification.

Exemplification is when a
man wil haue any original
Record written out and exem-
plified forth of the Court where
it remaines, to which purpose he
may haue a writ, as appeareth
by the *Regist. Orig. fol. 290.*

And if a man will plead a
Record in another Court than
where it remaineth, it behooueth
him to haue this Record exem-
plified under the great Seale
of England if hee be denied,
for it ought to come into the
Chancery by *Certiorare*, and
there to be exemplified under the
great Seale, for if it be exem-
plified under the Seale of the
Common Pleas, or of the Ex-
chequer, or such like, this will
not serue, vntill in euidence to
a Jury. See *Co. lib. 5. fol. 53.*

Exem-

Exemption.

EXemption is a priuiledge to be free from service or appurants : and therefore a Baron and Baronesse by reason of their dignitie are exempted to be sworn upon any Enquest, Co. li. 2. fo. 92.

Also knights, Clerkes, and women are exempted to appeare at Leets of the Sherifes Tourn. And that is by the Statute of Marlebridge cap. 10.

And a man may be exempted from being put upon Enquests and Iuries by the Kings Letters Patents, as the President and Colledge of Communalty of Physitians in London were by the Letters patents of King Hen. 8. Co. li. 8. fol. 102.

Ex mero motu.

EX mero motu are words frequently used in Kings Charters whereby hee signifies, that hee doth that which is contained in the Charter of his owne will and motion, without petition or suggestion made by any other : and the effect of these words are to haue all exceptions that might be taken to the instrument wherein they be contained, by alleaging, that the King in passing that Charter was abused by any false suggestion, Kyt. fo. 151.

And when the Kings Charter hath therein these words, it will be taken most strongly against the King, therefore if

Exemption.

EXemption est vn priuiledge destre franke de seruice ou apparance : & par ceo vn Baron & Baronesse, per reason de leur dignitie sont exempts destre iure sur ascun Enquest, Co. li. 6. fo. 93.

Auxy Chiuallers, Clerkes, & Femmes, sont exempts de appaerer al Leets, ou Tourne del Viscount. Et ceo est p^r la statute de Marlebridge, cap. 10.

Et home poit estre exempt destre mis sur Enquests ou Iuries per les Letters Patents le Roy, come le President & Colledge ou Comminaltie del Physitians en Londres furent per les Letts Patents del Roy, H. 8. Co. li. 8. fo. 102.

Ex mero motu.

EX mero motu sont parols vsualmente mis e les Charters le Roy, per queux il implique, que il fait ceo que est contelne en le Charter, de son volunt & motion demesme, sans prier ou suggestion fait per ascun autre. Et le effect de ceux parols sont de ouster tous exceptions que poyront estre prise al instrument en que ils sont conteynus, per alleger q^e le Roy en donont de c^e Charter fuit abuse p^r ascun faux allegation, Kyt. fo. 151.

Et q^u vn Chast le Roy ad en ceo ceux parols, il serra prise plus fortement vers le Roy, p^r que si le Roy pardon

The Exposition of

a B. tousz les dettes *ex mero motu*, tousz dettes que B. doit come Viscount sont per ceo pardon, & en mesme le manner est en plusieurs autres cases, leu ceux parols serra trie cy fort vers le Roy, come si vn Common person ad fait le graunt. Veies *Co. lib. I. fol. 45.*

Exigent.

EXigent est vn Briefe, & gist lou home sue Action personal, & le Defendant ne poyt esse troue, ne ad riens deins le Countie, per que il puit esse attach, ne distreine, donques cest Briefe issiera al Viscount, de fayre proclamation al cinque Counties, chescun apres autre, q il appeare, ou autrement il serra vtlage: & si soyt vtlage, donques tousz les biens & chateaux sont forfeytes al Roy. Auxy en vn Endictement de Felony, le *Exigent* issiera apres le primer *Capias*. Et auxy en *Capias ad computandum*, ou *Ad satisfaciendum*, & en chescun *Capias* que issist apres iudgement, le *Exigent* issiera apres le primer *Capias*. Et auxy en appeale de mort, mes néy en appeale de robbery, ou appeale d Mayhem.

Exigenter.

EXigenter est vn Officer d'l Common Pleas, & de ceux sont quatre en nombre. Ils sont tousz Exigents & Proclamations en tousz Actions en

the King *ex mero motu* pardon to B. all his debts, all the debts that B. oweth as Sheriffe are by this pardoned, and in the like manner it is in many other cases, where these words shall be taken as strongly against the King, as if a common person had made the grant. See *Co. lib. I. fo. 45.*

Exigent.

EXigent is a writ, and it lyeth where a man sueth an Action personal, and the Defendant cannot be found, nor hath nothing within the Countie, wherby he may be attached, nor distrained, then this writ shall go forth to the Sheriffe, to make Proclamation at five Countys every one after another, that he appeare, or else that he shall be outlawed: and if he be outlawed, then all his goods and chattels be forfeit to the King. Also in an Indictment of Felony the *Exigent* shall goe forth after the first *Capias*. And also in a *Capias ad computandum*, or *Ad satisfaciendum*, & in every *Capias* that goeth forth after iudgment, the *Exigent* shall go forth after the first *Capias*. And also in appeale of death, but not in an appeale of robbery, or appeale of Mayhem.

Exigenter.

EXigenter is an Officer of the Common Pleas, and of these there are foure in number. They make out all *Exigents* & *Proclamations* in all Actions

in which proceſſe of Outlawry lies. And they make Writts of Superſedeas as well as the Preignotaries vpon ſuch Exigents as were made in their Office. And of this Officer there is mention made in the Statutes of 10. Hen. 6. cap. 4. & 18. H. 6. cap. 9.

Ex gravi querela.

EX gravi querela, ſee thereof beſore in the title Deuiſe.

Ex parte talis.

EX parte talis, looke thereof beſore, Tit. Account.

Expeditate.

EXpeditate is a word uſed oftentimes concerning the Forreſt, ſignifying to cut out the balls of great Dogges feet, for the preſervation of the Kings game. And one of the Articles to be enquired touching the Forreſt is, If all great Dogges or Maſtiues in the Forreſt are expeditated, and if there be any not expeditated according to the Lawes of the Forreſt, then the owner of every ſuch Dogge ſhall forfeit to the King three ſhillings and ſoure pence, *Cromptons Iuriſd.* fol. 152. Maſter Manwood uſeth the ſame word, and part. 1. of his Forreſt Law, fol. 212. ſets down the manner of expeditating of Doggs heretofore, which was, that the three claws of the forefoot on the right ſide ſhall be cut off by the ſkinne, w^{ch} ereunto he alſo addeth out of the ordinance

quex proces de Vlagary giſt. Et ils font Briefes de Superſedeas cybien come les Protonotaries ſur tiels Exigents come fueront faits en leur Office. Et de ceſt Officer mention eſt fait en les Statutes de 10. Henr. 6. cap. 4. & 18. H. 6. cap. 9.

Ex gravi querela.

EX gravi querela, veies de cea deuant tit. Deuiſe.

Ex parte talis.

EX parte talis, veies de ceo deuant tit. Account.

Expeditate.

EXpeditate eſt vn parol pluſours foyts vſe touchant le Forreſt, impliyant de prend^r hors les balls des pees de graund Chiens, pur le preſervation del ſporte l' Roy. Et vn des Articles deſſ^{us} enquere concernant le Forreſt eſt, ſi tous grand Chiens on Maſtiues deins le Forreſt ſount expeditate, & ſi aſcuns la ſont nient expeditate, accordant al Leyes del Forreſt, donq^{ue} l'owner de cheſcun tiel Chien, forfeitera al Roy troys ſoulz & qua^{tre} deniers, *Cromptons Iuriſd.* fo. 152. Monsieur Manwood uſaſt meſme le parol, & part. 1. de ſon Forreſt Ley, fo. 212. relata le antient mannr de expeditating de Chiens, que fuit, que les troys ortelles del primer pee del dext^{re} latere ſerr^{ont} abſcindus per le pelle, a que il auxy adde hors del ordinance

The Exposition of

nâce appel l' assise d' Forrest,
 q' en le manner de expedita-
 ting des Chiens serra iammes
 vse & obserue, & nul autre.
Quere de que il surdout, que
 M. Crompton & il differont,
 l'un disant, que le ball del pée
 est absceinde, l' autre, q' les trois
 primer ortelles sont desumus
 par le pelle.

Expensis militum leuandis

EXpensis militum leuandis
 est vn Brieue direct al
 Viscount, p' leuier l' ollowance
 par chivalers del Parliament,
Regist. Or. g. fo. 191. b. Et Ex-
pensis militum non leuandis ab
hominibus de antiquo domini-
co, nec à natiuis, est vn Brieue
 de phibet l' Viscount d' leui-
 er ascun allowance par les
 Chivalers del Countrey sur ti-
 els queux tiendront & antient
 Demesne, &c. *Ibid. fo. 261. b.*

Extend.

Extend est de appralser les
 terres ou tenements d' vn
 oblige par Statute, &c. que ad
 eeo forfete, & deliuerer eux
 al Conusee a tiel endifferent
 rate, come par l' annuel p'fite
 le Conusee en temps poert estre
 satisfe son debt. Veies *Fitzh.*
N.B. fo. 131. & Cok. li. 4. fo. 67.
Fulwoods Case.

Extinguishment.

EXtinguishment est lou asc'
 Seignior, ou ascun autre
 ad ascun rent ou seruice issu-
 ant dascun terre, & il p'chase
 mesme le terre, issint que il

called the Assise of the Forrest,
 that the same manner of expedit-
 ating of Dogges shall be still
 vsed and kept, and none other.
Quere whence it growes that
 Master Crompton and he dif-
 fer, the one saying, that the ball
 of the foot is cut out, the other,
 that the three fore claws are
 cut off by the skin.

Expensis militum leuandis

EXpensis militum leuandis is
 a writ directed to the Sher-
 rife, for leuaping the allowance
 for the knights of the Parlia-
 ment, *Regist. Orig. fo. 191. b. And*
Expensis militum non leuandis
 de hominibus de antiquo domi-
 nico, nec à natiuis, is a writ to
 prohibit the Sheriffs to leuie a-
 ny allowance for the knights
 of the Countrey upon such as
 hold in ancient Demesne, &c.
Ibidem, fo. 261. b.

Extend.

Extend is to value the lands
 or tenements of one bound
 by Statute, &c. that hath for-
 feited it; and to deliver them to
 the Conusee at such indifferant
 rates, as that by the yearly pro-
 fits the Conusee in time may
 bee satisfied his debt. See
Fitz. N.B. fo. 131. and Cok. li. 4.
fo. 67. Fulwoods Case.

Extinguishment.

EXtinguishment is where any
 Lord or any other hath a-
 ny rent or seruice going out of
 any land, and hee purchaseth
 the same land; so that he hath
 such

such estate in the land as hee hath in the rent, then the rent is extinct, for that one may not have rent going out of his owne land. Also when any rent shall bee extinct, it behooveth that the land and the rent bee in one hand, and also that the Estate that hee hath bee not defeasible, and also that hee have as good estate in the land as in the rent, for if hee have Estate in the land but for term of life or yeares, and hath fee simple in the rent, then the rent is not extinct, but the rent is in suspence for that time, and then after the terme the rent is revived. And if there bee Lord, Mesne, and Tenant, and the Lord purchase the Tenancy, then the Mesnalty is extinct, but the Mesne shall have the surplusage of the rent, if there be any, as rent secke. Also if a man have a high way appendant, and after purchase the land wherein the high way is, then the way is extinct, and so it is of a common appendant.

Extortion.

Extortion is wrong done by any Officer, Ordinary, Archdeacon, Official, Maior, Baylife, Sheriffe, Escheator, Coroner, Under-sheriffe, Goaler, or other Officer by colour of his office, by taking excessive reward or fee for execution of his said office, or otherwise, & is no other thing indeed then plaine robbery, or rather more odious

ad tiel estate en la terre, come il avoit en le rent, donques le rent est extinct, pur ceo que un ne puit aver rent issuant hors d son fr̄e d̄mesne. Auxy quant ascun rent serra extinct, il covient que le terre & le rent soient en un maine, & auxy que l' estate q̄ il ad ne soit defeasible, & auxy que il ait auxy bone estate en la terre come en le rent, car sil ad estate en la terre forsq̄ pur terme de vie ou d̄ ans, & ad un fee simple en le rent, donques le rent nest extinct, mes le rent est en suspence pur cel temps, & donques apres le t̄me le rent est revive. Auxy si soit Seignior, Mesne, & Tenant, & le Seignior purchase la Tenancie, donq̄s l' Mesnaltie est extinct, mes le Mesne avera le surplusage del rent, si ascun soit, come rent secke. Auxy si home ad chemin appendant, & puis purchase, le fr̄e en que le chemin est, donques le chemin est extinct, & issint est de un common appendant.

Extortion.

Extortion est un tort fait per un Officer, Ordinary, Archdeacon, Official, Maior, Baylife, Viscount, Escheator, South-viscount, Corōn, Gaoler, ou auter Officer, *colore officii sui*, en prenant excessive reward ou fee pur execution de son dit Office, ou aūment, & nest auter chose en fait que plaine robbery, mes plus

The Exposition of

plus odible que robbérie, car robbérie est apparant, & tout temps ad ove luy le countenance de vice, mes Extortion esteant cy hault vice que robbérie est, port ove luy un countenance del vertue, p reason de quel il est le plus dure destetrie, ou discerne, & pur ceo le plus odible, & uncore ascuns il y ad q̄ ne voiloient demur mes stretch lour Office, credit & conscience, pur purchaser money, cybien per extortion, come autrement, accordant al disans de le Poet *Virgil*, *Quid non mortalia pectora cogit, auri sacra fames?*

Evesdroppers.

EVesdroppers sont tiels q̄ux estoient desouth mures ou fenestres p nuit ou jour a oyer novels, & a carrier eux al aus a fayr strife & debate inf lour Vicines, ceux sont male members en le Common-wealth, & pur ceo per le Statute de *Westminst.* 1. ca. 33, sont destre punie.

Et cest misdemeain est presentable & punishable en le Court Leet, *Kitch. fol. 11.*

Evidence.

EVidence est use generalment pur ascun prooffe, soit il per le Testimonie de hōs, ou per escript. *Sir Tho. Smith, lib. 2. cap. 17.* ceo usa en ambideux sorts en ceux parols: Evidence est authentique escripts de Contrasts selonque le manner d'engleterre,

than robbery, for robbery is apparant, and alwayes hath with it the countenance of vice, but Extortion being as greata vice as robbery is, carries with it a countenance of vertue, by means whereof it is the more hard to be tryed or discerned, and therefore the more odious, and yet some there be that will not stick to stretch their Office, credit, & conscience, to purchase money, as wel by extortion as otherwise, according to the saying of the Poet *Virgil*, What is that that hunger sweet of gold doth not constrain men mortall to attempt?

Evesdroppers.

EVesdroppers are such as stand under wals or windowes by night or day to heare news, and to carry them to others to make strife and debate amongst their Neighbores, those are evil members in the Common-wealth, and therefore by the Statute of *Westminst.* 1. cap. 33. are to be punished.

And this misdemeainour is presentable and punishable in the Court Leet, *Kitch. fol. 11.*

Evidence.

EVidence is generally used for some prooffe, bee it by the Testimony of men, or by writing. *Sir Thomas Smith, lib. 2. cap. 17.* useth it in both sorts in these words: Evidence is authentically writings of Contrasts, according to the manner of England, that

is to say written, sealed, and delibered.

And lib. 2. cap. 23. speaking of the Prisoner that standeth at the Barre to plead for his life, and of those that charge him with Felony, saith thus, Then he telleth what hee can say, after him also all those who were at the apprehension of the Prisoner, or who can give any Signes or Tokens, which was can in our Language, Evidence against the Malefactor.

cest adire, escrire, enseale, & deliver.

Et lib. 2. cap. 23. parlant del Prisoner que estoia al Barre a pleader pur son vie, & de ceux que chargea luy ove Felony, issint dit, Donque il monstre que il poit dire, puis luy auxy tous ceux queux fueront al apprehension del Prisoner, ou que poyent doner ascuns Indices ou Tokens, queux nous appellomus nostre Parlane, Evidence envers le Malefactour.

F.

Facultie.

Faculty is a word often used in the Statute of 25. Hen. 8. cap. 21. and it signifies a priviledge or special dispensation granted unto a man by favour and indulgence, to doe that which by the Law he cannot doe, as to eat flesh upon dayes forbidden, or to hold two or more Ecclesiasticall Livings, and the like. And for the granting of these faculties there is a speciall Officer under the Archbishop of Canterbury, called the Master of the Faculties.

Failing of Record.

Failing of Record is when an Action is brought against one, and the Defendant pleads any matter that is of Record in another sort, and doth as

F.

Facultie.

Facultie est un parol plusieurs fois use en le Statute de 25. Hen. 8. cap. 21. & il signifie un priviledge ou special dispensation grant al home per favor & indulgence, de faire ceo que per le Ley il ne puit faire, sicoe de manger chaire en jours prohibits, ou pur tener deux ou plusors Ecclesiastical Benefices ensemble, &c. Et pur le graunter de ceux faculties la est un especial Officer desouth l' Archevesq de Canterbury, q est ap pel le Master des Faculties.

Failer de Record.

Failer de Record est quant un Action est port envers un, & le Defendant plede ascun matter de Record en auter sort, & averre de ceo

The Exposition of

prove per le Record ; & le Plaintife dit nul tiel Record, sur que le Defendaunt ad jour done a luy, pur amesne eins le Record, a quel jour il faile, ou amesne eins un tiel que nest barre al cest Action, donques il est dit pur failer d son Record, & sur ceo le Plaintife avera judgement de recoverer.

Faint action.

Faint action, come *Littleton*, fo. 154. dit, est autant a dire en Anglois un fained Action, cestascavoir, tiel Action q coment q les parols de le Brieve sont voyers, uncore pur certaine causes il nad cause ne title per la Ley de recover per mesme l' Action. Et faux Action est lou les parols del Brieve sont faux. Il sint faint pleader est un covinous, faux, & collusorie manner de pleading, al deceipt d'un tierce partie. Et encounter tiel faint pleader, enſ auſ chosſes le vieux Statute en 3 E. 1. ca. 29. semble destre fait.

Fait.

Fait est un escript enseale & deliver, a prover & testifier l' agreement del partie, quel fait el est, al chose containe en le Fait, come un Fait de Feoffement est un prove del liverie de seisin, car le terre passe per le liverie de seisin, mes quant le Fait & le liverie est joynt ensemble, cest un prove del liverie, & que le

verre to prove it by Record ; and the Plaintiff saith there is no such Record, whereupon the Defendant hath day given him to bring in the Record, at which day he faileth, or brings in such a one, as is no barre to this Action, then he is said to fail of this record, & thereupon the Plaintiff shall have judgement to recover, &c.

Faint action.

Faint action, as *Littleton*, fol. 154. saith, is as much as to say in English a fained Action, that is to say, such Action, as although that the words of the Writ be true, yet for certain causes he hath not cause nor title by the Law to recover by the same Action ; And a false Action is where the words of the Writ are false. So faint pleading is a covinous, false, and collusory manner of pleading to the deceit of a third party. And against such faint pleading amongst other things the old Statute in 3 E. 1. ca. 29. seems to be made.

Deed.

Deed is a writing sealed and delivered, to prove and testify the agreement of the party, whose deed it is, to the thing contained in the Deed, as a Deed of Feoffement is a proofe of the livery of seisin, for the land passeth by the livery of seisin, but when the Deed and the Delivery are joyned together, that is a proofe of the livery, and that

that the feoffor is contented that the feoffee shall have the land.

And note, that all Deeds are either indented, wherof there be two, three, or more parts, as the case requireth, of which the feoffor, grantor, or lessee hath one, the feoffee, grantee, or lessee another : And peradventure some other body also another, &c. Or else they are poll deeds or single, and but one, which the feoffee, grantee, or lessee hath, &c. And every deed consisteth of three principle points, (and if these three be not ioyned together, it is no perfect Deed to bind the parties) namely, writing, sealing, and delivery.

The first point is writing, whereby is shewed the parties names to the Deed, their dwelling places, their degrees, the thing graunted, upon what considerations, the estate limited, the time when it was granted, and whether simply, or upon condition, with other such like circumstances. But whether the parties unto the Deed write in the end their owne names, or set to their markes (as it is commonly used) it maketh no matter at all (as I thinke) for that is not meant, where it is said, that every deed ought to have writing.

The second point is sealing, which is a farther Testimony of their consents to that contained in the Deed, as it appeareth in these words, In witness

feoffor est contentus q̄ le feoffee avera le terre.

Et nota, Que tous Faits sont ou indents, de quel y sont deux, trois, ou plusors partes, come le case require, de que le feoffour, grauntour, ou leffour ad un, le teoffee, grauntee, ou leffee, un auter : Et peradventure aucun auter person auxy un auter, &c. Ou autrement ils sont faits pol, ou single, & forsque un, le quel le feoffee, grauntee, ou leffee ad, &c. Et chescun fait consist de trois principal choses, (& si ceux trois ne sont joyne ensemble, i' nest perfect fait de lier les parties) nomenclature, escripture, sigillation, & deliverie.

Le primer point est escripture, pur que est declare les nosmes del parties al fait, leur habitations, leur degres, le chose grauntus, sur queux considerations, l' estate limit, le temps quant il fuit grauntus, & si simplement, ou sur condition, ove auters tiels semblables circonstances. Mes si les parties al fait escript en le fine leur nosmes demesme, ou mis a ceo leur markes (come il est communement use) il ne fait aucun matter (come Ico suppose) car ceo nest entende, ou il est dit, que chescun fait covient de aver escripture.

Le second point est sigillation, que est puis Testimonie de leur consents al ceo containe en le Fait, come appiert per ceux parols, In cuius rei

The Exposition of

Testimonium, &c. ou a tiel effect, mis en le fine de Fairs, sauns queux parols, le Fait est insuffisant. Et pur ceo que nous sumus en sigillation & signing de Faits, il ne serra de hoirs, icy a monstre a vous, pur l' amour del Antiquite, le manner del signing & subscribing de Faits, en nostre Ancestors le Saxons temps, un fashion different d' ceo que nous use en ceux nostre jours, en ceo q' ils a lour Faits subscribe lour nosmes, (communement adding le signe del Crose) & en le fine mis un graund number de Testimoignes, nient usant a cel temps ascun man' d' sigil. Et nous a cest jour pur plus suertie, auxy bien subscribe nost e nosme (nient obstant ceo nest mult necessarie, come Jeo aye devaunt dit) & mis nostre Sigilles, & use le ayde des Testimoignes auxy. Cest primer fashion continue per tout, tanque al temps del Conquest per les Normans, quel manners per petite & petite al darrein prevaile enter nous, car le primer Charter sigil en Engleterre est pense destre ceo del Roy *Edward le Confessor* al Abbey de Westminster, que esteant educate en Normandie, port en cest Realme ceo & ascun auter de lour guises. Et apres le veniens de *Guill' am le Conquerour*, les Normans estimants de le custome de lour pays (come naturalment tous Nations font) reject le man-

whereof, &c. or to such effect, alwaies put in the latter end of Deeds, without which words the Deed is insufficient. And because we are about sealing and signing of Deeds, it shall not be amiss here to shew you for Antiquities sake, the manner of signing and subscribing of Deeds in our Ancestors the Saxons times, a fashion differing from that we use in these our dayes, in this, that they to their Deeds subscribed their names (commonly adding the signe of the Crose) and in the end did set downe a great number of witnesses, not using at that time any kind of seale. And we at this day for more surety, both subscribe our names, (although that be not very necessary, as I have aforesaid) and put to our Seales, and use the helpe of Testimonies besides. That former fashion continued through out, untill the time of the Conquest by the Normans, whose manners by little and little at the length prevailed amongst us, for the first sealed Charter in England is thought to be that of King Edward the Confessor to the Abbey of Westminster, who being brought up in Normandy, brought into this Realme that and some other of their guises with him. And after the coming of William the Conquerour the Normans liking their owne Country customs (as naturally all Nations doe) rejected the man-
ner

ner that they found here, and retained their owne, as Ingulphus the Abbot of Croiland, who came in with the Conquest witnesseth, saying: The Normans do change the making of writings, which were wont to be firm'd in England with Croses of gold, and other holy signes, into the printing wax, and they reject also the manner of the English writing. Howbeit this was not done all at once, but it increased and came forward by certaine steps and degrees, so that first and for a season the King onely, or a few other of the Nobility besides him used to seale: Then the Noble men for the most part, and none other: Which thing a man may see in the Historie of Battell Abbey, where Richard Lucie chiefe Justice of England, in the time of King Henry the second, is reported to have blamed a meane subiect for that he used a private Seale, when as that pertained (as he said) to the King and Nobility onely.

At which time also (as I. Rosse noteth it) they used to engrave in their Seales their owne pictures and counterfeits covered with a long coate over their Armour. But after this the Gentlemen of the better sort took up the fashion, and because they were not all Warriors, they made seales engraven with their severall Coates or Shields of Armes, for difference sake, as the same Author reporteth. At the length,

ner que ils trouvent cy, & re-
teygnont leur proper, cōe In-
gulphus l' Abbot de Croiland,
que vient eins ove l' Conquest
tesmoigne, dicens: *Normanni
cheirographorum confessionem,
cum crucibus aureis, & aliis
signaculis sacris in Anglia fir-
maris solitam, in cerâ impressâ
mutant, indumque scribendâ
Anglicum rejiciunt.* Mes nient
obstant ceo ne fuit fait tout
al un temps, mes il increase &
vient eies per certaine steps &
drgrees, issint que primes &
pur un saison le Roy solemer,
ou un peu auter de le Nobili-
tie ouster luy use de sigiller:
Donques le Noble homes pur
le plus part, & nul auters:
Quel chose un hōe poit veier
é le Historie de Battell Abbey,
lou Rich. Lucie chiefe Justice
de Engleterre, en la temps del
Roy Hen. le second, est report
de aver blame un meane sub-
iect pur ceo que il use un pri-
vate Sigille, quant ceo ptaine
(come il dit) al Roy & No-
bilitie solement.

A quel temps auxy (come I.
Rosse note ceo) ils use de in-
grave en leur Sigils leur pi-
ctures demesne, & counfeits,
cover ove longe tunicle super
leur Armour. Mes apres ceo
les Gentlehomes del meliour
sorts prist l' fashion, & pur ceo
que ils ne fueront routs guer-
riours, ils fesoient Sigilles in-
grave ove leur severall Coats
ou Shields de Armes, pur dif-
ference, come mesme l' Au-
thour report. Al d' arreine, en

The Exposition of

temps del Roy *Ed. l' 3.* sigils fueront mult common, issint q̄ non solemt tiels q̄ portant Armes use de sigiller, mes auters hōes auxy fesoient al eux mesmes Signers de leur devises demesne, ascuns p̄ndrants les Letters de leur nosmes demesne, ascuns Flowers, ascuns Knots & Flourishes, ascuns Oxleaux & Beasts, & ascuns aus̄s choses, cōe nous ore unc' journalmt veinous en use.

Ascuns auters manners de sigillation ouster ceux ad estre ove enter nous, come nosliment ceo del Roy *Edward* le tierce, p̄ que il done al *Norman* le Hunter, le Hop & le Hop ville, ove tous les boūds upside downe, & in testmoign q̄ il soit verie, il mord̄ le cere ove son fore dent.

Le semblable d̄ cest fuit monstre a moy p̄ un de mes amies en un loose charf, mes non mult ancientmt escript, & pur ceo il voile moy que Ieo esteema d̄ ceo come Ieo pense bien: Il soit come ensuist.

Ieo *Guilliam King*, done a vous *Powlen Royden*, ma Hop & ma Hop terres, ove tous les bounds up & downe, de Coelo al Terre, de Terre ad Infernum, pur toy & vestres a demurrer d̄ moy & mes, al toy & vestres, pur un arcke & un broad sagit, q̄nt Ieo veigh pur hū̄t sur Yarrow. In testmoign que ceo est veray, Ieo morde cest cere ove mō dent, en presence de *Mag. Maud*, & *Margerie*, & mō tierce firs *Henrie*.

about the time of King *Edward* the third, seales became very common, so that not onely such as bore Armes used to seale, but other men also fashioned to themselves Signets of their owne devices, some taking the Letters of their owne names, some Flowers, some Knots and Flourishes, some Birds and Beasts, and some other things, as we now yet daily behold in use.

Some other manners of sealings besides these have beene heard of among us, as namely, that of King *Edward* the third, by which he gave to *Norman* the Hunter, the Hop and the Hop= Town, with al the pounds upside downe, and in witness that it was soth, he bit the waxe with his fore tooth.

The like to this was shewed to me by one of my friends in a loose paper, but not very anciently written, and therefore he willed me to esteeme of it as I thought good: It was as followeth.

I *William King*, give to thee *Powlen Royden*, my Hop and my Hoplands, with all the bounds up and downe, from Heaven to Earth, from Earth to Hell, for thee and thine to dwell, from me and mine, to thee and thine, for a Bow and a broad Arrow, when I come to hant upon Parrow. In witness that this is soth, I bit this waxe with my tooth, in the presence of *Mag. Maud*, and *Margery*, and my third sonne *Henry*.

Also

Also that of Albericke de Vere, containing the donation of Hatfield, to which he affixed a short blacke hasted knife, like unto an old halfe-penny whittle, in stead of a seale, with divers such like.

But some peradventure will thinke, that these were received in common use and custome, and that they were not rather the devises and pleasures of a few singular persons, such as are no lesse deceived than they that deeme every Charter and Writing that hath no seale annexed, to be as ancient as the Conquest, whereas indeed sealing was not commonly used till the time of King Edw. 3. as hath bene already said.

The third point is Delivery, which although it be set last, is not the least, for after that a Deed is written and sealed, if it be not delivered, all the rest is to no purpose.

And this Delivery ought to be done by the party himselfe, or his sufficient Garrant, and so it shall binde him, whosoever wrote or sealed the same, and by this last act the Deed is made perfect according to the intent and effect thereof, and therefore in Deeds the delivery is to be proved, &c.

So t'us you see, That writing and sealing without Delivery is nothing to purpose: That sealing & delivery where there is no writing worke nothing: For writing and delivery without sealing also make

Item ceo de Albericke de Vere conteignent le donation de Hatfield, al quel il fixe un curt noyer hasted cuttel, semblable al un vieux demy-denier whittle, en stead de un seale, ove diūs tiels semblables.

Mes ascū peradventure voylent pense, que ceux fueront receive en common use & custome, & que ils ne fueront le devises & pleasures d'un peu singular psons, tiels quels ne sont meyns deceive, que ils que pensont chescun Charter & Escrip que ne ad sigille annexe, destre cy antient come le Conquest, lou en veritie sigillation n fuit comunemēt use ranque al temps del Roy Edw. 3. come ad estre dit.

Le tierce point est Deliverie, quel nient obstaunt il soit mist darreign, nest l' meanest, car aps que un Fait soit escript & sigille, si ne soit deliū, tout le residue est a nul purpose.

Et cest Deliverie doyt estre fait per le partie luy mesme, ou son sufficient Garrant, & issint il luy liera quecunq; escript ou sigil ceo, & per cest darreine act le Fait est fait perfect, accordant all entent & effect de ceo, & pur c' en Faits le Liverie est destre prove, &c.

Issint poyes vejr, Que escripture & sigillation sauns deliverie est a nul purpose: Que sigillation & deliverie lou nest asc' escripture, work nul chose: Ne escripture & deliverie saūs sigillation auxy fait

The Exposition of

Fait nul Fait. Es pur ceo ils tous doient jointment concurre p faire un perfect Fait, come est avantdit.

Faitour.

Faitour est un parol p est use e le vieux repeale Statute de 7. R. 2. cap. 5. & est la prise en l' pire sensse p un male feafor, ou un oisif companion, & semble icy destre un Synonymon al Vagabond.

Fardingdeale.

Fardingdeale, aufment *Farrundel* de terre, implia le quart part d'un Acre, *Crompt. Jurisdic. fo. 230. b. Quadrantata terra* est lie en le *Regist. Origin. fol. 1. b.* lou vous aves auxy, *denariata & obolata, solidata & librata terra*, que p probabilitie surderoit en pporcion de quantite de Fardingdeale, come un male denier, soulz, ou liver surdout e value & estimation, donque *Obolata* est un demy Acre, *Denariata* l' Acre, *Solidata* douze Acres, & *Librata* douze score Acres, Vnc' e l' *Reg. Orig. f. 94. & 248.* vous poyes trou *viginti libratas terre vel reditus*, per que il semble, que *librata terra* est tant que dona vingt soulz per l' an, & *centum solidatas terrarum tenementorum, & redituum, fol. 249.* Et en *F. N. B. fol. 87.* la sont ceux parols, *Viginti libratas terre vel reditus*, que prova ceo destre tant tre cõe est rate al vingt soulz p l' an. *Veies Furlong.*

no Deed. And therefore they all ought jointly to concur to make a perfect Deed, as is before said.

Faitour.

Faitour is a word used in the old repealed Statute of 7. R. 2. cap. 5. and it is there taken in the worse sense for an evill doer, or an idle companion, and it seemeth there be a Synonymon to Vagabond.

Fardingdeale.

Fardingdeale, otherwise *Farrundel* of land, signifies the fourth part of an Acre. *Cromptons jurisdictions, fo. 230. b. Quadrantata terra* is read in the *Reg. Orig. fo. 1. b.* where you may have *denariata* and *obolata, solidata* and *librata terra*, which by probability must rise in proportion of quantity from *Fardingdeale*, as a halfe-penny, penny, shilling, or pound rise in value and estimation, then must *Obolata* be halfe an Acre, *Denariata* the Acre, *Solidata* twelve Acres, and *Librata* twelve score Acres. Yet in the *Reg. Orig. f. 94 & 248.* you may find *viginti libratas terra vel reditus*, whereby it seems, that *librata terra* is as much as *yeolds xx. s. by the yeere*, and *centum solidatas terrarum, tenementorum, & reditum, fo. 249.* and in *F. N. B. fo. 87.* there are these words, *Viginti libratas terre vel reditus*, which probeth this to be so much land as is rated at twenty shillings by the yeere: *See Furlong.*

Farme

Farme or Ferme.

Farme or Ferme is special-ly the chiefe messuage in a Village or Towne, whereto be- longeth great demeanes, of all sorts, and hath bene used to be let for terme of life, yeere, or at will.

Also the rent that is reserved upon such a lease, or the like, is called *farme* or *ferme*.

And *farmor* or *fermor* is he that occupieth the *farme* or *ferme*, or is Lessee thereof.

Also generally every Lessee for life, yeeres, or at will, although it be of never so small a cottage or house, is called *farmor*, or *fermor*.

And note, That they are called *farmes* or *fermes* of the Saxon word, *Feormion*, which signifieth to feed, or yield victu- ail. For in ancient time their reservations were as well (or for the most part) in victuals, as money, untill at the last, and that chiefly in the time of King Henry the first, by agree- ment, the reservation of victuals was turned into ready money, and so hitherto hath continued amongst most men.

Fate or Fatt.

Fate or Fatt is a measure men- tioned in the Statutes of 1. H. 5. cap. 10. and 11. H. 6. cap. 8. to containe eight bushels, but the Citizens and Merchants of London (as it appears by those Statutes) and the Kings Purveyors, would have that

Farme ou Ferme.

Farme ou Ferme est speci- alment le chiefe messuage en un Village ou Towne, a q appertinent grand demeanes de tous sorts, & ad este use deste lessie pur terme de vie, ans, ou a volunt.

Item le rent que est reserve sur tel lease, ou semble, est ap- pelle *Farme* ou *Ferme*.

Et *Farmour* ou *Fermour* est celuy q occupia le *Farme* ou *Ferme*, ou est Lessee de ceo.

Auxy generalment chescun Lessee p vie, ans, ou al volunt, nient, obstant il soit d'un pe- tit cottage ou messuage, est ap- pel *Farmor* ou *Fermor*.

Et nota, Que ils sont ap- pelles *Farmes* ou *Fermes*, del Saxon parol *Feormion*, q sig- nifie p feed, ou rend victual. Car en antient temps leur re- servations fueront cybien (ou pur le pluis part) en victual. come argēt, tanq al darreine, & ceo principalmt ē le temps de Roy H. 1. per agreement, le reservation de victuals fuit convert en readie argent, & issint uncore ad continue en- ter plusours homes.

Fate ou Fatt.

Fate ou Fatt est un measure mention en lestatutes de 1. H. 5. c. 10. & 11. H. 6. cap. 8. pur container huit boisseaus, mes les citizens & Merchants d Londres (cōe appiert p ceux Statutes) & les Purveyors le Roy voilont aver ceo mesure & un

The Exposition of

& un boisseau ouster pur un quartier, & issint ils avoient neufe boisseaus pur un quartier de blee.

measure and a bushell ober for one quarter, and so they had nine bushels for one quarter of cozne.

Faux imprisonment.

FAux imprisonment est un Briefe, & gist lou home est arrest & restraine de son libertie per un autre, encounter order de Ley, donques il avera vers luy cest Briefe, per que il recouvrera damages. Veies pluis de ceo devant tit. Arrest.

Faux imprisonment.

FAux imprisonment is a writ, and it lyeth where a man is arrested and restrained from his liberty by another against the order of the Law, then hee shall have against him this writ, whereby he shall recover damages. See more thereof before, tit. Arrest.

Faux judgement.

FAux judgement, veies d' ceo devant tit. Error.

Faux judgement.

FAux judgement, see thereof before, tit. Error.

Fee.

FEe (*Feodum*) est en nostre Ley vox æquivoca des divers significacions, car est plus communement prise pur un estat del inheritance en fies ou tenements al un & ses heires, ou al un & les heires d' son corps. Mes est use auxy pur le compasse circuit, ou extent d' un Seigniorie ou Mannor. Et de ceo venust l' ordinarie plee en barre al un Avowry. Que le f're sur que il avow est hors de son fee. Et tiercement, il est prise pur le reward, ou salarie donec al un pur l' execution de son office, cõe le fee dun Forester, ou le Gardeine dun Parke, ou le fee dun Viscount pur l' servir dun Execution, cõe est limit p' le statute 29. *El. ca. 4.* Et issint est auxy prise pur ceo consideration q' est donec al un

Fee.

FEe (*Feodum*) is in our Law an equivocal word of divers significacions, for it is most usually taken for an estate of inheritance in lands and tenements to one and his heires, or to one and the heires of his body. But it is used also for the compass, circuit, or extent of a Lordship or Mannor. And from thence comes the ordinary plee in barre to an Avowry, That the land upon which hee avowes is out of his fee. And thirdly, it is taken for a reward, or wages given to one for the execution of his office, as the fee of a Forester or a Keeper of a Parke, or a Sheriffs fee for serving of an Execution limited by the Statute of 29. *Eliz. ca. 4.* And so it is also taken for that consideration which is given unto

unto a Sergeant at Law, or a Counsellor, or a Physician, for their counsellor advice in their profession, which (as it is well observed by Sir Jo. Davies in his preface to his Reports) is not properly Merces, but Honorarium. But yet in our Law language it is called his fee.

Fee farme.

FEe farme is when a Tenant holdeth of his Lord in fee simple, paying to him the value of halfe, or of the third part, or of the fourth part, or of the other part of the land by the yeere. And hee that holdeth by fee farme, ought not to pay reliefe, or do any other thing that is contained in the feoffment, but fealty, for that belongeth to all kinde of Tenures.

Fee simple.

FEe simple is when any person holds lands or rent, or other thing inheritable to him and to his heires for evermore, and these words, His heires, make the estate of inheritance, for if land be given to a man for ever, yet he hath but an estate for terme of life.

Also if the Tenant in fee simple dye, his first sonne shall be his heire, but if he have no son, then all his daughters that hee hath shall be his heires, and every one shall have her part by partition, but if he have no son nor daughter, then his next cousin collateral of the whole blood shall be his heire.

Sergeant at Ley, ou al un Pleader, ou un Physitian pur leur conseil ou advice en leur profession, que (come est bien observee per Sir Jo. Davyes en son preface a ses Reports) nest properment Merces, forsque Honorarium. Mesunc' en le dialect de nostre Ley c' est appel son fee.

Fee ferme.

FEe ferme est quant un Tenant tien de son Seignior en fee simple rendant a luy le value del moitie, ou de tierce part, ou quart part, ou de autre part del terre per an. Et il que tient en fee ferme ne doyet payer reliefe ou faire autre chose mes sicome est contene en le feoffment, forsque fealties car c' appent a tous maners Tenures.

Fee simple.

FEe simple est quant aucun person tient terre ou rent, ou autre chose inheritable a luy & ses heires a tous jours, ceux parols, Ses heires, font lestat d' inheritance, car si l'ere soit done a home a tous jours, unc' il nad forsque estat pur terme de vie.

Auxy si Tenant en fee simple deuie, son premier fits serront son heir, mes fil nad fits, dunque tout les files que il ad serront son heire, & chescun avera son part p partie, mes fil nad fits ne file, dunque son prochein cousin collateral de l'entire sanke serront son heire.

Feoffment.

The Exposition of

Feoffement.

Feoffement est lou un done terre ou tiel chose corporall hereditable a un autre en fee simple, & de ceo deliver seisin & possession, ceo est un feoffement. Auxy si un fait done en le taile, ou lease pur fine de vie, ou pur terme d'auter vie, il convient auxy de done liverie & seisin, ou autrement riens passera per le grant.

Feoffor & Feoffee.

Feoffor est celuy que enfeoffe ou fait feoffement al autre de terres ou tenements en fee simple : Et feoffee est celuy qui est enfeoffe, ou a que le feoffement est issint fait.

Fealtie :

Fealtie est un service appelle ou Latine, *Fidelitas*, & sera fait en tiel manner, cestascavoir, le Tenant tiendra sa main dextre sur un liver, & dira a son Seignour, Ieo a vous sera foyal & loyal, & foy vous portera de tenements que Ieo claime de tener de vous, & verament a vous sera les customes & services que faire vous doy al termes assignes, sicome moy cyde Dieu : & baisera le liver : mes il ne genulei, come enfesant homage. Et de ceo veies apres en le tittle *Homage*. Auxy fealtie est incident a tous maners Tenures.

Feoffement.

Feoffement is where a man giveth lands, houses, or other copozall things which be hereditable to another in fee simple, & thereof delivereth livery & seisin, and possession, it is a feoffment. Also if one make a gift in taile, or of another mans life, it behoves also to give livery and seisin, or else nothing shall passe by the grant.

Feoffor and Feoffee.

Feoffor is hee that infeoffeth or maketh a feoffement to another of lands or tenements in fee simple : And Feoffee is he who is infeoffed, or to whom the feoffement is so made.

Fealtie.

Fealtie is a service called in Latine *Fidelitas*, and shall be done in such manner, viz. the tenant shall hold his right hand upon a booke, and shall say to his Lord, I shall be to you faithfull and true, and shall beare to you faith for the lands and tenements which I claime to hold of you, and truly shall doe to you the customes and services that I ought to do to you at the termes assigned, so helpe mee God : and shall kisse the booke : but he shall not kneele as in the doing homage. And therefore see after in the tittle *Homage*. Also fealty is incident to all maner Tenures.

Felonie.

Felonie.

Felonie is a generall terme, which comprehendeth divers heinous offences, for which the offenders ought to suffer death, and lose their lands: And it semeth that they are called Felonies of the Latine word Fel, which is in English Gall, in French Fiel: or of the ancient English word, fell, or fierce, or because that they are intended to be done with a cruell, bitter, fell, fierce, or mischievous minde. And some of them are, when a man without any colour of Law stealeth the goods of another, amounting to the value of twelve pence or more, that is Larceny: but if any approacheth the person of another in the high-way, and robbeth him of his goods, although it be to the value of one penny, it is felony, and that is called robbery, and therefore he shall be hanged.

Ferdfare.

Ferdfare is to be quit from going to warre, Flet. lib. I. cap. 47.

Ferdwit.

Ferdwit is to be quit of murder committed in the army, Flet. lib. I. cap. 47.

Fence-moneth.

Fence-moneth is a forest word, and signifies the time of 31. dayes in the yeare, that is to say, 15. dayes before Mid-

Felonie.

Felonie est un general terme que comprehend divers heynous offences, pur que l'offendours doyent suffer mort, & perdre leur tres. Et semble que eux sont appellees Felonies del Latine parol Fel, que est en Anglois Gall, en Francois Fiel: Ou del auntient parol Anglois, Fell, ou Fierce, ou pur ceo que sont entends destte faits felleo animo, with bitter, fell, fierce, ou mischievous mind. Et ascuns de ceux sont, quant home sans aucun colour de Ley, emblea les biens d'un auter, amountant al value de xii. deniers, ou pluis, ceo est Larceny: Mes si un approcha a le person d'un auter en le hault-chemin, & luy robba d ses bñs, mesque ils ne sont forsque al value de un denier, il est Felonie, & ceo est appel robberie, & pur ceo il serra pendue.

Ferdfare.

Ferdfare hoc est quietum esse de eundo in exercitum, Flet. lib. I. ca. 47.

Ferdwit.

Ferdwit hoc est, quietum esse d' murther in exercitu facto, Flet. lib. I. ca. 47.

Fence-moys.

Fence-moys est un parol del forest, & signifie le space d 31. jours en l' an, cest a savoir, 15. jours devant Midsummer, & 15.

The Exposition of

& 15. jours apres, en q̄l temps est prohibit pur aucun home d̄ chaser en le Forest, ou de passer en ceo pur disturber les feres. Le reason de que est, pur ceo que a ceo temps parturiūt Damz. Et pur ceo cest moys est appel le Fence-moys, ou defence-moys, eo que les Dames sont adonq̄ destre defends del fright ou terror. See Manw. Forest Loyes, c. 13. fol. 9. b.

summer, and 15. dayes after, in which time it is forbidden for any man to hunt in the Forest, or to goe into it to disquiet the wild beasts. The reason of which is, because the female Deere doe then fawne. And therefore this moneth is called the Fence-moneth, or defence-moneth, for that the Deere are then to be defended from scare or feare. See Manw. For. Lawes, cap. 13. fo. 9. b.

Feodarie.

FEodarie est un Officer en le Court d̄ Gards, appoint p le Mr. de ceo Court per vertue del Stat. 32. H. 8. cap. 46. Dēc present ovesq̄ l' escheator en chescun Countie al trover des offices, & a doner evidence pur le Roy cibien pur le value come pur le tenure. Et son office est auxy pur survey les terres le Gard apres l' office trove, & pur retourne le verie value de eux en le Court. Pur assignier dower as vesues le Roy. Pur receiver tous les rents des terres les Gardes deins son circuit, & pur eux responder al Receiver l' Court.

Feodarie.

FEodary is an Office in the Court of Wards, appointed by the Master of that Court by vertue of the Statute 32. H. 8. cap. 46. to be present with the Escheator in every County at the finding of offices, & to give in evidence for the King as well for the value as the tenure. And his office is also to survey the lands of the Ward after the office found, and to return the true value therof into the Court. To assigne dower unto the Kings widows. To receive all the rents of the Wards lands within his circuit, and to answer them to the Receiver of the Court.

Feude.

FEude ou mortal feude venust del parol Germanois *Feida*, alias *faida*, *Guerre*, & signifie un haine emplaceable, q̄ ne poit estre satsife forsque ove le mort del enemy, tiel est ceo enf les homes en le Nord parts de Engleterre, que est un combination de tout le com-

Feude.

FEude, or deadly feude, cometh of the German word *Feida*, alias *faida*, *Bellum*, and it signifies unplaceable hatred, not to be satisfied but with the death of the enemy, such is that amongst the people in the Northerne parts of England which is a combination of all the kin-

dred

Dyed to rebenge the death of any of the blood upon the slayer and all his race, and this word is mentioned in the Statute of 43.Eliz. cap.13.

Fieri facias.

Fieri facias is a writ judiciall, and it lieth where a man recovereth debt or damages in the Kings Court, then he shall have this writ to the Sheriffe, commanding him that he levie the debt and damages of the goods of him against whom the recovery is had, and it lyeth alwayes within a yere and a day, and after the yere he must sue a Scire facias, and if he be warned, and doth not come at the day, &c. or if he come and can say nothing, then he which recovereth shall have a writ of Fieri facias, directed to the Sheriffe, that he make him to have execution of judgement.

But if a man recover against a woman, & she take a husband within the yere & the day, then he that shall recover must have a Scire facias against the husband.

So it is if an Abbot or Priour recover and dye, his successor within the yere shall have a Scire facias, see therfore more in the title Scire facias, and title Execution.

File.

File (filacium) is a thread by wyer, upon which writs and other Exhibits in Courts are put for the safer keeping of them together.

sanguinitie pur le vengeance del mort dascun de lour sanke sur l' homicide & tout son race, & cest parol est mention en lestatute de 43.El.ca.13.

Fieri facias.

Fieri facias est un Brieve judicial, & gist lou home recovers det ou damages en Court le Roy, donques il avera cest Brieve al Viscount luy commandant, que il levie le dette & les damages des biens celuy vers que le recovery est ewe, & gist tous foits deins l'an & jour, & apres l'an luy covient suer un Scire facias, & sil soit garnie, & ne vient al jour, &c. ou sil vient, & ne scavoit rien dire, donques celuy que recovers avera Brieve de Fieri facias direct al Viscount, que il face luy avera execution de judgement.

Mes si hōe recovers vers un feme, & el prist baron deins l'an & le jour, donques il covient que cestuy que recovers avera Scire facias vers le baron.

Auxy est si Abbot ou Priour recover & devie, son successor deins l'an avera Scire facias. Vide de ceo plus en le title Scire facias, & title Execution.

File.

File (Filacium) filum est vel chorda, quo Brevia & alia Curiis Exhibita trajiciuntur pro meliori conservatione eorundem.

The Exposition of

Finders.

Finders est un parol mention en mults Statutes, come en 14. R. 2. cap. 10. 17. R. 2. cap. 5. 1. H. 4. cap. 13. & 31. H. 6. cap. 5. & semble destre tout un ove ceux Officers queux ore nous appellamus Serutatores, implique pur le trover des biens, imports ou exports sans payer del custome.

Fine.

Fine ascun foits est prise pur un summe d'argét q'l ascun est de payer al Roy pur ascun contempt ou offence commit p luy, quel fine, chescun que commit ascun trespass, ou que est convict, q'il fausement denye son fait, ou fesoit ascun chose en contempt del Ley, paiera al Roy, quel est appel Fine al Roy. Ascun foits Fine est prise pur un final concord, quel est ewe enter ascuns p-sons touchant ascun terre ou rent, ou auter chose, dont ascun suit ou briefe est enter eux pendant en ascun Court, quel poit este en divers maners. Lun est quant l'un partie reconust ceo ceste le droit del auter, come ceo que il eit del done cestuy q' fesoit le reconusauns, quel tous foits suppose un feoffement precedent, & est dit Fine execute, ou si il reconust ceo destre le droit del auter, ommittant les parols (come ceo que il eit de son done) quel esteant Fine sur conusauns de droit

Finders.

Finders is a word used in many Statutes, as in 14. R. 2. cap. 10. 17. R. 2. cap. 5. 1. Hen 4. cap. 13. and 31. Hen. 6. cap. 5. and it seemes to be all one with those Officers which we now call Searchers, employed for the discovery of goods which are imported or exported without paying custome.

Fine.

Fine sometimes is taken for a summe of money which one is to pay to the King for any contempt or offence done by him, which fine every one that committeth any trespassse, or he that is convicted, that hee falsly denieth his owne deed, or did any thing in contempt of Law, shall pay to the King: which is called fine to the King. Sometime a fine is taken for a small agreement which is had betwene any persons concerning any land or rent, or other thing, whereof any suit or writ is betwene them hanging in any Court, which may be divers wayes. One is when any party reknowledgeth that to be the right of the other, as that he hath of the gift of him that made the recognisance, which alwayes supposeth a feoffment going before, and is called a fine executed: or if he acknowledgeth that to be the right of another, omitting these words (come ceo que il eit de son done) which being a fine upon acknowledging of right

right onely, if it be levied to him which hath the freehold of the land is a fine upon a release.

And if hee that acknowledged it is seised, and hee to whom it is levied hath not the freehold of the land, then it is called a fine executory, which he to whom the land is acknowledged may execute by *Entrie*, or *Scire facias*.

And sometime such a fine *Sur conusans de droit* onely is to make a surrender: therein is rehearsed, that the reconusor hath an estate for life, and the other a reversion.

And sometime it is taken to passe a reversion, where a particular estate is recited to be in another, and that the reconusor will that the other shall have the reversion, or that the land shall remaine to another, after the particular estate spent.

And sometime hee to whom the right is acknowledged, as that that hee hath of the gift of the reconusor, shall yeild the land, or a rent out thereof to the conusor. And that sometime for the whole fee. Sometime for one particular estate, with remainder or remainders over. And sometime with reversion of rents with distresse and grant thereof over by the said fine.

And it is called a fine, because thereby the suit is ended, and if it be recozded with Proclamation according to the Statute 4. H. 7. it barreth strangers.

tant, si soit levie a cestuy que eit le franktenement del terre est Fine sur release.

Et si cestuy que ceo conust est seisie, & celuy a que est levie neit le Franktenement del terre, donques est dit Fine executorie, quel cestuy a que le terre est conus poit executer per *Entrie*, ou *Scirefacias*.

Et ascun foits tiel Fine *Sur conusans de droit* tantum est pur faire un surrender: lou en ceo est repeate, que le reconusor eit estate pur vie, & l'auter en reversion.

Et ascun foits ceo est ew de passer un reversion, lou particular estate est recite d'ist: en auter, & que le reconusor voit que l'auter avera le reversion, ou que le terre remaine al auter apres le particular estate finie.

Et ascun foits celuy a que le droit est conus, come ceo que il ad del done le reconusor, rendra la fre ou un rent hors de ceo al conusor. Et ceo ascun foits pur l'entier fee. Ascun foits pur un particular estate, ove remainder ou remainders ouster. Et ascun foits ove reservation d'rents ove distresse & 'graunt de ces ouster per mesme Fine.

Et est appel fine, quia per ceo le suit est determine, & si ceo soit record ove Proclamation selonque lestatute 4. H. 7. ceo barre estrangers.

The Exposition of

Fifteenth. Veies

Quinzisme.

Filacer.

Filacer venut dī pol François *Filace*, id est *Eilum*, & est le nomme dun Officer en le Common Pleas, des q̄x sont icy 14. en nombre. Ils sont tous les original proces la, & le distresse infinite sur summons retourne en Actions personals, & le *Capias* sur le retourne del *Nihil*. Et tous Briefes de view, en cases lou le view est prie. Et lou le appearance est ove eux ils enter l'imparlance, & le general issue en common Actions, & Iudgements per confession devant issue joynē, & sont Briefes d Execution sur eux. Et ils sont Briefes de *Superfedas* apres *Capias* agard, quant le Defendant apparee en leur office. Et cest Officer est mention en lestatutes de 10. Hen. 6. cap. 4. & 18. H. 6. cap. 9.

Fine force.

Fine force en nostre Ley signifie un absolute necessity, sicōe lou hōe est constreine de faire aucun chose le q̄l ne poit p̄ aucun voy avoyder, nous disom' q̄ il fist ceo d̄ *Fine force*. Et issint cest parol est use en *Perk. sect. 321.* en *Woodland & Manrel's case*, en *Plowden*, fol. 94. b. & en *Eatons case* cite en *Foxlyes case* ē le 6. rep. f. 111. a.

Fifteenth. See

Quinzisme.

Filazer.

Filazer comes of the French word *Filace*, id est, *A ththead*, and it is the name of an Officer in the Common Plees, of which there are 14. in number. They make out all the original process there, and the distresse infinite upon summons returned in personal Actions, and the *Capias* upon the return of *Nihil*. And all Writs of view in cases where the view is prayed. And where the appearance is with them they enter the imparlance, and the General issue is comon Actions, and Judgments by confession before issue joyned, & make out Writs of Execution upon them. And they make Writs of *Superfedas* after a *Capias* awarded, when the Defendant appears in their office. And this Officer is mentioned in the Statutes of 10. Hen. 6. cap. 4. & 18. H. 6. cap. 9.

Fine force.

Fine force in our Law signifies an absolute necessity, as when a man is compelled to doe that which he can no way avoid. We say that he doth it de *Fine force*. So this word is used in *Perk sect. 321.* in *Martell and Woodlands case*, in *Plowden*, fo. 94. b. and in *Eatons case* cited in *Foxlyes case* in the 6. rep. fol. 111. a.

Finors,

Finors.

Finors are those that purifie gold and silver, and part them by fire and water from counterfeit metalls, and therefore in the Statute of 4. H. 7. cap. 2. they are also called parters.

Firebote.

Firebote is necessary wood to burne, which by the Common Law, Lessee for yeeres, or for life, may take in his ground, although it be not expressed in his lease: And although it be a lease by word onely without writing: But if he take more than is needfull, he shall be punished in waste.

First fruits.

First fruits (Primitiæ) are the profits of every spirituall living for a yere, which were anciently given to the Pope, but by the Statute of 26. Hen. 8. cap. 3. are now translated to the King.

Fledwite.

Fledwite, that is, to be quit from ameracements, when an outlawed fugitive cometh to the Kings Peace of his owne will, or being licensed.

Flemeswite.

Flemeswite, that is, that you may have the cattell or ameracements of your man or fugitive.

Finors.

Finors sont ceux que purifient or & argent, & eux sevrer per feu & eau del metalls plus base & vile, & pur ceo en lestatute de 4. H. 7. cap. 2. sont auxy appels Parters.

Firebote.

Firebote est necessarie boys pur arder, quel per le common Ley, Lessee pur ans ou pur vie, poit prendre en son terre, nient obstant il ne soit expresse en son lease: Et nient obstant il soit un lease par parol tantum sans fait: Mes si prist plus q̄ besoigne, il serra punie en waste.

First fruits.

First fruits (Primitiæ) sont les revenewes d' chesc' spirital benefice pur un an, q̄x en auintient temps fueront dones al Pape, mes per lestatute de 26. H. 8. cap. 3. sont ore transfferres al Roy.

Fledwite.

Fledwite, hoc est, quietum esse de Amerciamētis, cum quis utlagatus fugitivus veniat ad pacem Domini Regis sponte, vel licentiatu.

Flemeswite.

Flemeswite, hoc est, quod habeatis catalla, sive Amerciamenta hominis vestri fugitivi.

The Exposition of

Fletwit.

Fletwit, ou (Flitwit) hoc est, quietū esse de contentione & convistiis, & quod habeatis placitum, inde in Curia vestra, & Amerciamenta, quia (Flit) Anglicè, est Tenson Gallicè.

Floatsam.

Floatsam est quant un Niese est submerge, ou auterment perish, & les biens float sur la Mere, & ils sont dones al Seignior Admiral per ses Letters Patents, Veies *Cooke lib. 5. fol. 106.*

Footgeld.

Footgeld, est un Amerciament pur nient prendrant hors les Balls des pees de graund Chiens en le Forrest, pur que veies *Expeditate*: Et desire quit de Footgeld est un privilege d'aver Chiens irregular deins l'Forrest sauns paine ou controle. *Crompt. Jurisd. ct. fo. 197. Manwood, part 1. pag. 86.*

Forrest.

Forrest est un lieu privileged p authoritie Royal, ou per prescription, pur le peaceable abode & nourishmt del Beasts ou Oyseaux del Forrest, pur le disport del Roy. Pur queux ont estre en auantient temps certaine peculiar Officers, Leyes, & Orders, part de queux appearont en le graund Charter de le Forrest.

Fletwit.

Fletwit, or (Flitwit) that is, to be quit from contention and combats, and that you may have plee thereof in your Court, and the Amerciements. for (Flit) in Engll. h, is Tenson in French.

Floatsam.

Floatsam is when a Ship is drowned, or otherwise perished, and the goods float upon the Sea, and they are given to the Lord Admirall by his letters Patents. See *Coke lib. 5. fol. 106.*

Footgeld.

Footgeld is an Amerciement for not cutting out the balls of great Dogges set in the Forrest, for which see *Expeditate*: And to be quit of Footgeld is a privilege to keepe Dogs within the Forrest unawed without punishment or controlement. *Crompton Jurisdiction, fol. 197. Manwood, part 1. pag. 88.*

Forest.

Forrest is a place privileged by Royal authority, or by prescription, for the peaceable abiding and nourishment of the Beasts or Birds of the Forrest, for disport of the King. For which there have bene in ancient time certaine peculiar Officers, Lawes, and Orders, part of which appare in the great Charter of the Forrest.

Forrester.

FORrester is an Officer of the Forest sworn to preserve the Vert & Venison of the Forest, and to attend upon the wilde Beasts within his Bayliwick, and to watch and keep them safe by day & by night. And to apprehend all offenders there in Vert or Venison, and to present them at the Courts of the Forest to the end they may be punished according to their offences.

Forfeiture of marriage.

FORfeiture of marriage is a writ that lyes for the Lord by Knights service against his Ward, who refuseth a convenient marriage offered him by his Lord, and marries another within age, without the assent of his Lord: And see for this Fitz. N. B. fol. 141. g. & c.

Forger of false Deeds.

FORger of false Deeds comes of the French word Forger, which signifies to frame or fashion a thing as the Smith doth his worke upon the Anvil. And it is used in our Law for the fraudulent making and publishing of false writings to the prejudice of another mans right. Fitz. in his N. B. fo. 96. B. C. says that a writ of Deceit lies against him that thus forgeth any Deed.

Forrester.

FOREster est un Officer del Forest q̄ est jure p̄ preserve le Vert & Venison del Forest, & pur attender sur les Bêtes deins son Bayliwicke, & d̄ eux veiller & sagement garder per jour & per nuit. Et pur attacher tous offenders la ou en Vert ou en Venison, & eux d̄ presenter as Courts del Forest, al intent q̄ point iste la punies, solonq̄ lour delictis.

Forfeiture del marriage.

FORfeiture del marriage est un Briefe q̄ gist p̄ le Seignior en Chivalry vers son Gard que refuse un convenable marriage tender a luy per son Seignior, & deins age marrie un auter sauns lassent son Seignior. Et veies pur ceo Fitz. N. B. fo. 141. g. & c.

Forger des faux foits.

FORger des faux foits venust de pol Francois Forger q̄ signifie fabricare conflare p̄ framer & fashioner come un Forgeron son ouvrage sur le Enelume. Et est use en nre Ley pur le fraudulent feaſance & publisher des faux faits al prejudice del droit dūn auter. Fitz. en son N. B. fo. 96. B. C. dit que Briefe de Disceit gist vers celui que issint forge aucun fait.

The Exposition of

Forjudger.

Forjudger est un judgement done en un Briefe de Mesne port per un Tenaunt envers le Mesne Seignior, que doit acquiter le Tenaunt des services demandes per le Seignior paramount, de que le tenement est tenu, & le mesne ne voile appare, donques judgement serra done, que le Mesne Seignior perdra son Seigniorie, & que le Tenaunt dillonques tiendra del Seignior paramount p tiels services cō le Mesne tenoit devant, & serront discharge del services qu'il rendoit al Mesne, p le Statute de West. 2. ca. 9. & ceo est appel un Forjudger.

Et auxy si un Attourney ou auter Officer en ascun Court soit ouste & prohibite de user ceo, il est dit destre forjudge le Court.

Formedon.

Formedon est un Briefe, & gift lou Tenant en le taile infeoffa un estrange, ou est disseise, & devie, le heire avera Briefe de Formedon pur recover le terre. Mes sont trois Briefes de formedon. Vn est en le discender, & ceo est en le case avantdit. Auxy si un done terre en le taile, & pur default de issue le remainder a un auf en l' taile, & que pur default de tiel issue le fre revertera al Donor, si le primer Tenant é l' taile devie fauns issue, cestuy en le re-

Forjudger.

Forjudger is a judgement given in a writ of Mesne, brought by a Tenant against a Mesne Lord, which should acquite the Tenant of services demanded by the Lord above, of whom the tenement is holden, and the Mesne will not appeare, then judgement shall be given, that the Mesne Lord shall lose his Seigniorie, and that the Tenant from thenceforth shall hold of the Lord above by such suits as the Mesne held before, and shall be discharged of the services which he paid to the Mesne, by the Statute of West. 2 cap 9. and that is called a Forjudger.

And also if an Attourney or other officer in any Court be put out and forbidden to use the same, he is said to be forjudged the Court.

Formedon.

Formedon is a writ, and lyeth where Tenant in the taile infeoffeth an stranger, or is disseised, and dyeth, the heire shall have a writ of Formedon to recover the land. But there be three manner of Formedons. One is in the discender, and that is in the case before said. And if one give lands in the taile, and for default of issue the remainder to another in the taile, and that for default of such issue the land shall revert to the Donor, if the first Tenant in taile dye without issue, he

he in the remainder shall have a Formedon in the remainder: But if the Tenant in the taile dye without issue, and he in the remainder also dye without issue, then the Donor or his heires shall have a Formedon in the reverter.

Forrein.

Forrein is a word adiectively used, and toynd with divers substantives well woorth to be exprest: As Forrein matter tryable in another Countie, Pl. Cor. 154. or matter done in another Countie, Kitch. fol. 126. Forrein Plea is a refusal of the Judge as incompetent, because that the matter in hand was not within his precincts, Kitch. fol. 75. & Anno 4. H. 8. cap. 2. & Anno 22. ejusdem ca. 2. & 14.

Forrein answer, is such an answer as is not tryable in the County where it is made, Anno 15. H. 6. cap. 5.

Forrein service is such service whereby a meane Lord holdeth over of another without the compasse of his owne fee. Brook, tit. Tenures, fol. 251. num. 12. & 28. and Kitch. fol. 209. or else that which a Tenant performeth either to his own Lord, or to the Lord above him out of the fee: For of such services Bracton lib. 2. cap. 16. num. 2. speaketh thus.

Also there are certaine Services which are called Forrein, although they bee named and exprest in the Charter of Feoffe-

mainder avera un Briefe de Formedon en le remainder: Mes si le Tenaunt en le taile devie sans issue, & cestuy en le remainder auxy devie sauns issue, donques le Donor ou ses heires avera un Formedon en le reverter.

Forrein.

Forrein est un parol adiective use, & joyne ove divers substantives, bien digne destre expresse: come Forrein matter triable en auter Countie, Pl. Cor. 154. ou matter fait en auter Countie, Kitch. fol. 126. Forrein Plea est un refusal del Judge come incompetent, pur ceo que le matter dependant ne suit deins ses limits Kitch. fol. 75. & Anno 4. H. 8. cap. 2. & Anno 22. ejusdem cap. 2 & 14.

Forrein respons, ceo est tiel respons que nest triable en le Countie ou il est fait, Anno 14. H. 6. cap. 5.

Forrein service, est tiel service p q un mesme Seignieur tient ouster d'un aut dehors le circuit d son fee demesne. Bro. tit. Tenures, fol. 251. num. 12. & 28. & Kitch. fol. 209. ou autrement ceo que un Tenant performe ou a son Seignieur demesne, ou al Seignieur Paramount hors del fee: Car de tiels services Bract. lib. 2. c. 16. num. 2. issint parle.

Item sunt quaedam servitia que dicuntur Forinseca, quomodo sunt in Charta de Feoffamento expressa & nomi-

The Exposition of

nata, & que ideo dici possint Forinseca, quia pertinent ad Dominum Regem, & non ad Dominum capitalem, nisi cum in propria personâ profectus fuerit in servitio: vel nisi cum pro servitio suo satisfecerit Domino Regi quocunq; modo, & sunt in certis temporibus cum casus & necessitas even- rit, & varia nomina habent & diversa: Quandoq; enim nomi- nantur Formseca, largè sum- to vocabulo, quoad servitium Domini Regis, quandoq; Scu- tagium, quandoque Servitium Domini Regis, & ideo Forin- secum dici potest, quia fit & capitur foris, sive extra Servi- tium quod fit Domino Capita- li. Velēs Bro. Tenures 28.95.

Forrein service semble de- stre service de Chivaler ou E- scuage non certaine, Perkins, sect. 650.

Forrein Attachment est un Attachment des biens de For- reiners deins aucun franchise ou Citie pur le satisfaction de asc' Citizen a quele dit For- reiner doit argent.

Forrein Apposer est un Offi- cer en l' Exchequer, a que tous Viscounts & Baylifes viendront per luy destre op- pose de leur greene wax: Et de ceo il treit un charge sur le Viscount ou Baylife, al Clerke del Pipe.

Forstal.

Forstal, hoc est, quietum esse de amerciamentis & catal' arrestatis infra frām vestram,

ment, and which may therefore be called Forrein, because they appertaine to our Lord the King, and not to the chiefe Lord, un- lesse when he goeth in service in person, or that hee satisfi- eth our Lord the King for the service by some kind of meanes, and they are performed at cer- taine times when occasion and necessity require, and they have divers and sundry names: For sometime they are called For- rein, the word taken largely, as to the Kings service, sometime Escuage, sometime service of the King, and it may therefore be cal- led Forrein because it is done and taken without or beside service done to the Lord Paramount.

See Brook, Tenures 28.95.

Forrein Service seemeth to bee Knights Service, or Escuage uncertaine, Perkins, sect. 650.

Forrein Attachment is an Attachment of the goods of Forreiners within any Liber- ty or Citie, for the satisfaction of any Citizen to whom the said Forreiner oweth money.

Forrein Apposer is an Offi- cer in the Exchequer, to whom all Sherifes and Baylifes doe repaire by him to be apposed of their greene wake: And from thence he drawes down a charge upon the Sherife or Baylife to the Clerke of the Pipe.

Forstal. •

Forstal, that is, to bee quit of amerceaments and cattels arrested within your land, and the

the amercements thereof comming.

Foretaller.

FOretaller is hee that buyeth corne, cattell, or other merchandize whatsoever is saleable by the way as it commeth to Markets, Faires, or such like places to bee sold to the intent that he may sell the same againe at a more high and deer price, in prejudice and hurt of the common wealth and people, &c.

The pain for such as are convicted thereof, is for the first time imprisonment for two months, and losse of the value of the thing sold.

The second time imprisonment by the space of halfe a yeare, and shall lose the double value of the goods, &c.

The third time imprisonment during the Kings pleasure, and iudgement of the Pillory, & shall forfeit all his goods & chattels, See the Statute 5. Ed. 6. ca. 14.

Founder.

Founder is he that useth the art of melting or dissolving metals, and making any thing thereof by casting in molds. He seemes to have his name from the Latine word Fundere, and he is mentioned in the Statute of 17. R. 2. cap. 1.

Fourcher.

Fourcher is a device used to delay the Plaintiff or Demandant in a suit against two, which threeto are not to answer till

& amerciamenta inde proveniunt.

Foretaller.

FOretaller est celuy q̄ achateblees aūs, ou aūt merchandize quecunque est vendible, par le chemin q̄nt il vient al Markets, Faires, ou tiels sembl' lieux destte vende, al entent q̄ il poit vender ceo aūt foits al un plus hault & chare price, en prejudice & damage d' le common-weale & gents, &c.

Le penaltie pur ceux queux sont convict d' ceo, est l' prim' temps imprisonment pur d'ux moys, & perde de le value del chose vende.

Le second temps imprisonment per le space de demy an, & perdra le double value des biens, &c.

Le tierce temps imprisonment durant le pleasure le Roy, & judgement del Pillory, & forfeit a routs ses biens & chateux, Veies le Statute 5. E. 1. c. 14.

Founder.

Founder est cestuy que use l' art del amolir ou dissolver metals, & de faire ascun choses deux per jeter en molds. Semble daver son nomme del Latine parol Fundere, & est mention en lestat. de 17. R. 2. cap. 1.

Fourcher.

Fourcher est un devise use a delayer l' Plaintiff ou Demandant en un suit envers d'ux, q̄ux a ceo ne sont d' responder tanq̄

The Exposition of

tan q̄ ils ambideux appeare, & l' apparance ou effoine d'un de eux voile excuser le default d'l auf a cel jour, & eux agreea, q̄ l'un de eux solement ferra effoine ou appearera al un jour, & pur default del apparance del auf, avoit jour ouster de appearer, & l' auter party aua mesme le jour, & a ceo jour lauf voile appearer ou estre effoine, & cestuy q̄ devant apperoit, ou fuit effoine, ne voile donqs appear, pur ceo q̄ il esperoit daū auf jour per l' adjournment del partie q̄ donqs appiert ou est effoine, ceo est appel Fourcher, & en ascuns cases le mischiefe p ceo est remedie p l' Statute de Gloucester. cap. 10. & West. 1. cap. 42. que sont en le collection des Statutes, en le title *Essoine*, 4. & 7.

they both appeare, and the appearance or effoine of one will excuse the others default at that day, and they agree, that the one shall be effoined or appeare one day, and for lack of the appearance of the other have day over to appeare, and the other party shall have the same day, and at that day the other will appeare, or be effoined, and he that appeared or was effoined before, will not then appear, because he hoped to have another day by the adjournment of the party which then appeared, this is called *Fourcher*, and in some cases the mischiefe thereby is remedied by the Statute of Gloucester. cap. 10. and West. 1. cap. 42. which be in the collection of Statutes, in the title *Essoine*, 4. and 7.

Franchise.

Franchise est un parol Francois, & signifie en nostre Ley un Immunity ou exemption del ordinarie Jurisdiction, cōe pur un Corporation d' teñ pleas de in seux mesmes a tiel value &c. Et veies de ceo en vieux N.B. fo. 4. a. b.

Franchise is a French word, and signifies in our Law an Immunity or exemption from ordinary Jurisdiction, as for a Corporation to hold pleas within themselves to such a value, & the like. And see of this in the old N.B. fo. 4. a. b.

Franches Royal.

Franches Royal est lou le Roy graunt al un & a ses heires, que ils ferra quit de Toln, vel hujusmodi.

Franchise Royal is where the King grants to one and his heires, that they shall be quit of Toll, or such like.

Frankalmoigne.

Frankalmoigne est lou en ancien temps terres fucount dones a un Abbot &

Free Almes.

Free Almes is where in ancient times lands were given to an Abbot and his Convent.

of to a Deane and his Chap-
ter, and to their Successors, in
pure and perpetual Times,
without expresseing any service
certain, this is Frankalmoign,
and such are bound before God
to make Orisons and Prayers
for the Donor and his heires,
and for that they doe no fealty,
and if such that have lands in
Frankalmoigne, doe make no
Prayer nor Divine Service
for the soules of the Donors,
they shall not be compelled by
the Donors to doe it, but for
that they may complaine to the
Ordinary, praying him that
such negligence be no more
after, and the Ordinary of right
ought to doe it.

But if an Abbot, &c. holdeth
lands of his Lord for certaine
Divine Service to be done,
as to sing every Friday a
Masse, or doe some other thing,
if such Divine Service be not
done, the Lord may distreine,
and in such a case the Abbot
ought to doe fealty to the Lord,
and therefore it is not said te-
nure in Frankalmoigne, but te-
nure by Divine Service, for
none can hold by Frankal-
moigne, if any certaine service
be expresseed.

Franke banke.

FRanke banke are Copphold
lands, which the wife being
married a virgin, hath after the
decease of her husband for her
dower, Kir. fol. 102. Bract. lib. 4.
tract. 6. cap. 13. num. 2. hath these
words, There is a custome in

son Covent, ou a un Deane
& a le Chapr, & a lour Suc-
cessors, en pure & perpetual
Almoigne, sauns expresse a-
scun service certaine, ceo est
Frankalmoigne, & ils sont
tenus devant Dieu de faire
Oraisons & Prayers pur la
Donor & ses heires, & pur ceo
ils ne feront fealtie, & si ti-
els que ont frs en Frankal-
moigne, ne font ascun Prayers
ne Divine Service p les Almes
le Donors, ils ne feront p les
Donors a ceo compells, mes
pur ceo ils poyent complaine
al Ordinary, luy preyant, que
tiel negligence ne soit pluis
avant, & l'Ordinarie d droit
c' doit faire.

Mes si un Abbe, &c. tient
terres de son Seignior pur cer-
taine Divine Service destf fait,
come de chaunter chesc' Ven-
derdie un Masse, ou de faire
auter chose certaine, si tiel
Divine Service ne soit fait, le
Seignior poit distreine, & en
tiel case l' Abbe doit faire a le
Signiour fealtie, & pur ceo il
nest pas dit tenure en Frank-
almoigne, mes tenure per Di-
vine Service, car nul poit tener
en Frankalmoigne, si soit ex-
presse ascun certaine service.

Franke banke.

FRanke banke sont Copihold
terres que le feme esteaunt
espouse un virgin, ad apres le
mort sa baron pur sa Dower,
Kir. fo. 102. Bract. li. 4. tract. 6.
cap. 13. num. 2. ad ceux parols,
Consuetudo est in partibus il-

The Exposition of

lis, quod uxores maritorum defunctorum habeant Francum bancum de terris Sockmannorum, & tenent nomine dotis. Fitz. appel c' un custome p q en ascuns Cities le feme avera tous les tres de sa baron p sa Dower, N.B. fo. 150. p. Veies Plow. fo. 411.

Franke chafe.

FRanke chafe est un Franchise d Frank chafe, p que tous homes ayant terre deins cel compasse sont prohibit de succider le bois, ou discover, &c. sans le view del Forester, nient obstant que soit son demesne, *Crom. Iur. f. 187.*

Franke fee.

TENER en Franke fee é a ten en fee simple tres pleadabl' a la Common Ley, & nient en antient demesne.

Franke ley.

FRanke ley, veies *Crom. Just. de Peace, f. 151.* ou vo' poys trou q ceo est p le contrarie: car celuy q p un office, cõe conspiracie, perde son Franke ley, est dit de cad en ceux males: 1. Que il ne unques serra impanel sur asc' Jurie. ou Assise, ou autmt use en disant asc' voiertie: auxy sil ad ascun chose a faire en le Court le Roy, il ne ceo vesia en person, mes covient a desigh son Atturrie: 3. Ses tres, bñs & chateux sont destre seise en les maines le Roy, & ses terres serroyent estreape, ses arbres

those parts, that the wives, their husbands being dead, should have Franke banke of lands of Sockmans, and hold it in name of dower. Fitz. calls this a custome by which in some Cities the wife shall have all the lands of her husband for her dower, N.B. fo. 150. See Plow, 411.

Franke chafe.

FRanke chafe is a liberty of Frank chafe, by which all men having land within this compasse are prohibited to cut downe the wood, or discover, &c. without the view of the Forester, although it be his owne, *Crom. Iur. fo. 187.*

Franke fee.

TO hold in Franke fee is to hold in fee simple lands pleadable at the Common Law, and not in ancient demesne.

Frankelaw.

FRanke law, see *Crom. Just. of Peace, fo. 151.* Where you may find what this is by the contrary: for he that for an offence, as conspiracy, loseth his franke law, is said to fall into these mischiefs: First, that he shall never be impanelled upon any Jury or Assise, or otherwise used in saying any truth: also if he hath any thing to doe in the Kings Court, he shall not approach thither in person, but must appoint his Attourney: 3. His lands, goods, and cattels are to be seised into the Kings hands, & his lands must be estreated,

ped, his trees rooted up; and his body committed to prison.

eradicate, & son corps commise al prison.

Free marriage.

Free marriage is when a man seised of lands in fee simple, giveth it to another man to his wife, who is the daughter, sister or otherwife of kin to the Donor in free marriage, by vertue of which words they have an estate in speciall taile, and shall hold the land of the Donor quit of all manner of services, untill the fourth degree be past, accounting themselves in the first degree, except fealty, which they shall doe, because it is incident to all tenures, saving free almes. And such gift may be made as well after marriage solemnized, as before. And a man may give lands to his son in free marriage, as well as to his daughter, by the opinion of M. Fitzh. in his *Will of Champertie*, H.

But it appeareth otherwise in M. Littleton, & in M. Brooke, tit. frankmarriage, pla. 10. And so it was holden cleer in *Greys Inne* in Lent, an. 1576. 18. Eliz. by the Worshipfull M. Rhodes, then Reader there.

Freehold.

Freehold is an estate that a man hath in lands or tenements, or profit to be taken in fee simple, taile, for terme of his owne life, or for terme of anothers life in dower, or by the courtesie of England: and under that there is no Freehold,

Franke marriage.

Franke marriage est qnt un home seisie de terre en fee simple, done ceo al auter hōe, & a sa feme, q est file, soer, ou autrement de kinne al Donor in frankmarriage, p vertue de qux parols ils ont un estate en special taile, & tiendra le terre del Donor quitte d tous manners des services, tanq le quart dgree soit passe, accoutant eux mesmes en l prim dgree, si non fealtie, qux ils fient, pur ceo q est incident a tous tenures, forsque Frankalmoigne. Et tiel done poit estre fait cibyen apres marriage solemnize, come devaunt. Et home poit done fies a son fils en franke marriage, cybien come a son file, p l opinion de M. Fitzherbert en sen Bfe, de *Champerty*, H.

Mes il appiert aumēt en M. Littleton, & en M. Brooke, tit. Frankmarriage, pla. 10. Et issint il suit tenuz clere en Greys Inne e Lent, An. 1576. 18. El. per le Worshopful M. Rhodes, donqs Lector la.

Franktenement.

Franktenement est un estat que home ad en terres ou tenements, ou profit a prendre en fee simple, taile, pur terme de son vie demesne, ou pur terme dauſ vie en dower, ou per le courtesie D'englſre. Et south ceo il nest franktenement

The Exposition of

ment, car il que ad estate pur
ans, ou tient a vol', nad ascun
franktenement, mes ils sont ap-
pels chatels.

Et de franktenement il y ad
deux sorts, viz. franktenement en
fait, & franktenement en Ley.

Franktenement en fait est qnt
un home ad entre de terres ou
tenements, & est seisie de ceo
realment, actualment, & en fait.
Sicome le pere seisie de tres
ou tenements en fee simple, &
vie, & son fils ent eux cõe
heire a son pere, donqs il ad
un franktenement en fait per
son entrie.

Franktenement en Ley est
qnt terres ou tenements sont
descendus al un home, & il
poit enter en eux quant a luy
pleist, mes nad unc' fait son
entrie en fait, come en le case
ayaunt dit, si le pere esteaunt
seisie de tre & fee simple devie
seisie, & ils descend a son fils,
mes l' fils nad unc' ent en fait
en eux, ore dev'it son entrie il
ad un franktenement en Ley.

Fresh force.

Fresh force (*frisca fortia*)
est un force comise ains asc'
Citie ou Borough, cõe p dis-
seisin, abatement, intrusion, ou
desorcement des ascus tres ou
tenements deins le dit Citie
ou Borough. Pur redresser de
ql tort, cestuy q droit ad poit
per lusage de dit Citie ou Bo-
rough aver son remedi sauns
Briefe, p un Assise ou Bill de
fresh force, port deins 40.
iours apres le force com-

for he that hath estate for years
or holdeth at will, hath no
freehold, but they are called
chateles.

And of Freeholds there are
two sorts, viz. freehold in Deed,
and freehold in Law.

Freehold in deed is when a
man hath entred into lands or
tenements, and is seised therof
really, actually, and in deed:
As if the father seised of lands
or tenements in fee simple dieth,
and his sonne enters into the
same as heire to his father,
then he hath a freehold in deed
by his entry.

Freehold in Law is when
lands or tenements are descen-
ded to a man, & he may enter in-
to them when he will, but hath
not yet made his entry indeed,
as in the case aforesaid, if the
father being seised of lands in fee
simple die seised, & they descend
to his son, but the son hath not
entred into them indeed, now
before his entry he hath a free-
hold in Law.

Fresh force.

Fresh force (*frisca fortia*) is a
force committed in any Citie
or Borough, as by disseisin, a
batement, intrusion, or desorce-
ment of any lands or tenements
within the said Citie or Bo-
rough. For the redressing of
which wrong, he that hath right
may by the usage of the said Ci-
ty or Borough have his remedy
without writ, by an Assise or
Bill of fresh force brought with-
in 40 daies after the force com-
mitted,

mitted, or title to him accrued: in which action he may make his protestation to sue in the nature of what writ he will. And see for this matter Fitzh. Nat. Bre. fo. 7. C. and old N. B. fo. 4. a.

Fresh suit.

Fresh suit is when a man is robbed, and the party so robbed followeth the felon immediately, and takes him with the manner, or otherwise, and then bringeth an appeale against him & doth convince him of the felony by verdict, which thing being enquired of for the King, and found, the party robbed shall have restitution of his goods & gaine.

Also it may be said, that the party made fresh suit, although he take not the thief presently, but that it be halfe a yere or a yere after the robbery done before hee be taken, if so be that the party robbed doe what lieth in him, by diligent enquiry and search to take him, yea, although hee be taken by some other body, yet this shall be said fresh suit.

And so fresh suit is when the Lord cometh to distreine for rent or service, and the owner of the beasts doth make rescous and driveth them into anothers ground that is not holden of the Lord, and the Lord followeth presently and taketh them, this is called fresh suit. And so in other like cases.

mise, ou title a lay acrue : En quel action il poit faire son protestation de suer en le nature d' q'l Brieve q' il voit. Et veies p' c' matter Fitzh. N. B. fo. 7. C. & vieux N. B. fo. 4. a.

Fresh suit.

Fresh suit est quāt un home est robbe, & le partie issint robbe pursua le Felon immediatement, & luy prist ove le manner, ou auterment, & donques port un appeale envers luy, & luy convince del felonie per verdict, le quel chose esteant enquire pur le Roy & trove, le partie robbe avera restitution de ses byens arere.

Item il poit este dit, que le partie fait fresh suit, nient obstant que il ne prist le Felon presentmt, mes q' il soit demy an ou un an apres le robbrie fait devant que il soit prise, si soit issint que le partie robbe fait tant que en luy est, per diligent enquire & search d' luy prender, nient obstant que il est prise p' un aut' home, une ceo serra dit fresh suit.

Et issint fresh suit est quāt le Seignior vient pur distrein pur rent ou service, & l' owner des beasts fait rescous, & enchase eux en auters terres que nest tenu del Seignior, & le Seignior ensue presentment, & reprist eux, cest appel fresh suit. Et issint en auter semblables cases.

The Exposition of

Friperer.

Friperer est un parol use en lestatute de 1. Iac. c. 21. pur un sort des Brokers. Et semble destre un parol prise del Francois (*Fripier*) interpolare, & par ceo un Friperer est un que use de polir vieux vestiments pur vender arere.

Friperer.

Friperer is a word used in the Statute of 1 Iac. ca. 21. for a kind of Broker. And it seems to be a word taken from the French word (*Fripier*) to trich up old things, and therefore a Friperer is one that uses to dress old clothes to sell againe.

G.

Gable.

Gable, *Gablum*, est en ancient Records un vieux parol q signifie un rent, dutie, custome, ou service yeeld ou fait al Roy ou asc' auter Seignieur, Veies le Comment in *Little. fo. 142. a.*

Gager de deliverance.

Gager de deliverance est lou un sua Replevin de biens prise, mes il nad deliverie des biens, & l'auter avowa, & le Plaintife monstra que le Defendant est uncore possesse des biens, &c. & pria que le Defendant gagera deliverance, nonqs il mitra eins suretie ou pledge pur l' redeliverance, & un Briefe issera al Viscount pur redeliverer les biens, &c. Mes si home claime propertie, il ne gagera deliverance.

Auxy fil die que l' avers sont mors en le Pound, il ne gagera, &c.

Auxy home ne gagera jam-

G.

Gable.

Gable, *Gablum*, in ancient Records is an old word that signifies a rent, dutie, custome, or service yeelded or done to the King or any other Lord, See the Comment upon *Little. fo. 142. a.*

Gager de deliverance.

Gager de deliverance is where one sueth a Replevin of goods taken, but he hath not the deliverie of the goods, & the other avoweth, & the Plaintife sheweth that the Defendant is yet possessed of the goods, &c. and prayeth that the Defendant may gage the deliverance, then he that put in surty or pledges for the deliverance, and a writ shal goe forth to the Sherife for to redeliver the goods, &c. But if a man claime property, he shall not gage deliverance.

And if he say that the beasts be dead in the Pound, he shall not gage, &c.

Also a man shall never gage the

the deliverance before that they be be issue, or demur in the Law, as it is said.

mes le deliverance avant que ils soient a issue, ou demurert en Ley, ut dicitur.

Gainage.

Gainage (Wainagium) seemes to come from the French word, Gaignage. id est, gaine or profit, but in our Law it signifies the profit most properly that comes by the tillage of land. And therefore in the Statute of Mag. Chart. ca. 14. it is enacted that a Villaine shall be amerced saving his gainage, & in West. 1. cap. 6. saving his gainure, & in cap. 17. it is enacted that he that deforceth any of the deliverance of his beasts by Replevin, shall render unto the Plaintiffe his double damages, which he hath sustained in his beasts, or in his gainage disturbed, &c. And by the Statute of distress of the Exchequer made in 51. H. 3. it is enacted, That no man of religion or other shall be distressed by the beasts that gaine his land.

Gaole.

Gaole or Gayle, cometh of the French word (Geole) which signifies a cage for birds, but metaphorically is used for a prison. And from thence the keeper of the prison is called a Goaler or Gayler.

Garbe.

Garbe cometh of the French word (Garbe yel Gerbe) which signifies a bundle or sheaf. And this word is used in the

Gainage.

Gainage (wainagium) semble de venir del parol Francois Ga'gnage, id est, questus sive lucrum, mes en nostre Ley il signifie l' profit plus p'pment q' venust del tillage del fre. Et pur ceo en lestatute d' Mag. Chart. ca. 14. est enact q' un Villaine serra amerce salvo wainagio suo, & en west. 1. cap. 6. save son gainage, & cap. 17. est enact q' celui q' deforce asc' del deliverance des avers per Replevin, rendra al Plaintife le double des damages queux il ad receive de ses avers, ou de son gainage disturbe, &c. Et per le Statute de Districcione Scaccarii fait en 51. Hen. 3. est enact; Que nul home de religion ou auter serroit distreine per les avers que gaine son terre.

Gaole.

Gaole ou Gayle venust de parol Francois (Geole) id est, Caveola, mes metaphorice est use pur un prison. Et de ceo le Gardian del prison est appel un Gaoler ou Gayler.

Garbe.

Garbe venust del Francois (Garbe ou Gerbe) id est, fascis. Et cest parol est use en le vieux Statute appel
Zi charte

The Exposition of

Charta de Foresta, cap. 7. lou Herbas en le Latine est translate Garbe en Anglois.

Garble.

Garble est de forter & selecter le bone chose de le male, cōel' Garbling d' Bowstaves, *An. 1. R. 3. cap. 11.* & le Garbling d' Spice est reins auf forsq' de purifie ceo del drosse ove q' il est mixe. Veies d' ceo a large en le Statute, 1. *Iac. cap. 19.*

Gardein des spiritu- alties.

Gardein des spiritualties est celuy a que le spiritual jurisdiction est cominise durant le vacancie del See, *Anno 25. H. 8. cap. 21.*

Garrantie des Charters.

Garrantie des Charters est un Brieft, & gift lou alc' fait est fait que comprehende clause d' Garrantie, cest a scaivoire, *Dedi ou Concessi*, ou cest parol *warrantizabo*, & si le Tenant soit implead per un estrange, si soit en Affise, ou tiel acc' lou il ne poit vouch a garrantie, donq's il avera cest Brie vers son feoffor ou son heir, & si le fre soit recover vers luy, il recovers tant del terre en value vers cestuy que fist l' Garrantie. Mes cest Brie covient este use pendaunt le primer Brieft vers luy, ou autermēt il ad perde son advantage.

Auxy sur Garrantie en Ley, come sur homage auncestr l,

Stat. called *Charta de Foresta, c. 7.* where Herbas in the latin is translated Garbo in the English.

Garble.

Garble is to sort and chuse the good from the bad, as the Garbling of Bowstaves, *Anno 1. Rich. 3. cap. 11.* and the Garbling of Spice is nothing else but to purifie it from the drosse with which it is mixed. See of this at large in the Statute of 1. *Iar. cap. 19.*

Gardein des spiritu- alties.

Gardein of the spiritualties is hee to whom the spiritual jurisdiction is committed during the vacancy of the See, *Anno 25. H. 8. cap. 21.*

Garranty of Charters.

Garrantie of Charters is a writ, and it lieth where any deed is made that comprehendeth a clause of Warranty, that is to say, *Dedi or Concessi*, or this word *Warrantizabo*, and if the Tenant be impleaded by a stranger. if it be in affise or such action where he may not vouch to Warranty, then he shal have this writ against his feoffor or his heir, & if the land be recovered against him, he shall recover as much land in value against him that made the Warranty. But this writ ought to be sued, hanging the first writ against him or else he hath lost his advantage.

Also upon a Warranty in the Law, as upon homage auncestr l, arell,

Grell, or upon rent reserved upon a lease for terme of life, or a gift in the taile, a man shal have a writ of Warrantie of Charters, but not upon Escuage.

Garrantie.

Garrantie is in thre maners, that is to say, Garrantie Lineall, and Garrantie Collaterall, and which beginneth by disseisin.

Warrantie Lineall is where a man seised in fee, or in taile, maketh a feoffment by his deed to another, and bindeth him & his heires to warrantie, and hath issue a son, and dieth, & the warrantie descendeth to his sonne, that is Lineall Warrantie, for that that if no deed with Warrantie had been made, then the right of the lands shoulde have descended to the sonne, as heire to his father, and he shall convey the discent from the father to the sonne. But if the Tenant in the taile discontinue the taile, and hath issue and dieth, and the Uncle of the issue releaseth to the discontinuer with Warrantie, &c. and dyeth without issue, this is a Collaterall Warrantie to the issue in the taile, for that the Warrantie descendeth upon the issue, the which may not convey him to the taile by meane of his Uncle. And in every case where a man demandeth lands in fee taile by writ of Formedon, if any Ancestor of the issue in the taile which hath possession, or which hath not possession, maketh a Warrantie,

ou sur rent reserve sur lease a terme de vie, ou done en le taile, home avera Brieve de Garrantie de Charters, mes nemy sur Escuage.

Garrantie.

Garrantie est en trois maners, cestascavoir, Garrantie Lineal, & Garrantie Collateral, & que commence per disseisin.

Garrantie Lineal est lou home seise en fee, ou en taile, fait feoffement per son fait a un autre, & oblige luy & ses heires a Garrantie, & ad issue fitz & morust, & le Garrantie descend a son fitz, ceo est Lineal Garrantie, pur ceo que si nul fait ove Garrantie uist este fait, donques le droit des terres descenderoit al fitz, come heire a son pere, & il conveyroit le discent de le pere a le fitz. Mes si Tenaunt en le taile discontinua le taile, & ad issue & devie, & l' Uncle del issue releffa al discontinuee ove Garrantie, &c. & morust sauns issue, ceo est Collateral Garrantie al issue en le taile, pur ceo que le Garrantie descend sur l' issue, le quel ne poyt soy conveyer a le taile per le meane de son Vncle. Et en chescun case lou home demanda terres en fee taile per Brieve de Formedon, si ascun Auncestor del issue en le taile que avoit possession, ou que n'avoit possession, fait un Garrantie, &

The Exposition of

Cestuy que sue le Briefe de Formedon, per possibilitie per matter que puisloit este fait, puisloit conveyer a luy title per force del done p celuy q fist le Garrantie, &c. ceo est donques un Lineal Garrantie, & per tiel Lineal Garrantie, l'issue en le taile ne serra barre, sinon que il ad assets a luy descendus en fee simple: Mes si il ne poit per nul possibilitie que poyt este, convey a luy title per force del done per celuy que fist le Garrantie, donques ceo est un Collateral Garrantie, & per tiel Collateral Garrantie, le issue en le taile serra barre sauns ascuns assets. Et l'cause q tiel Collateral Garrantie est un barre al issue en le taile, est pur ceo que tous Garranties, devant le Statute de Gloucester, queux descendant a ceux queux sont heyres a eux que fesoient les Garranties, fueront barres a mesme les heires a demaunder ascun terres, forsprise les Garranties, que commence per disseisin, & pur ceo que le dit Statute ad ordaine, Que le Garrantie del pere ne serra barre a son fits pur les terres que veigne del heritage le mere, ne le Garrantie de le mere ne serra barre al fits pur les terres que veigne del heritage del pere, per le Statute de 11 Hen. 7. cap. 20. & nul de les Statutes ad fait ne ordaine remede encontre le Garrantie que est

and hee that sueth a Writ of Formedon by possibility by matter that may be done, might convey to him title by force of the gift by him that made the Warranty, &c. that is then a Lineall Warranty, and by such a Lineall Warranty the issue in the taile shall not be barred, except that hee have assets to him descended: But if he may not by no possibility that may be, convey to him title by force of the gift by him that made the Warranty, then that is a Collateral Warranty, and by such a Collateral Warranty, the issue in the taile shall be barred without any assets. And the cause that such a Collateral Warranty is a barre to the issue in the taile, is for that that all Warranties before the Statute of Gloucester, which descended to them which be heyres to them that made the Warranties, were barres to the same heyres to demand any lands, except the Warranties that began by disseisin, and for that that the said Statute hath ordained, That the Warranty of the father shall be no barre to his sonne for the lands which come of the heritage of the mother, nor the Warranty of the mother shall be no barre to the sonne for the lands which come of the heritage of the father, by the Statute 11. H. 7. cap. 20. and none of the Statutes hath made nor ordained remedy against the Warranty that

that is Collateral to the issue in the taile, and therefore the Warrantie that is Collateral to the issue in the taile, is yet in his force, and shall bee a barre to the issue in the taile, as it was before the Statute. And it behooveth that all Warranties, whereby the heire shall be barred, that the Warrantie descended by course of the common Law, to him which is heire to him that made the Warrantie, or else it shall be no barre, for if the Tenant in the taile of lands in Borough English, where the youngest sonne shall inherit by the custome, discontinue the taile, and hath issue twofolons, and the Uncle releaseth to the Discontinues with Warrantie and dyeth, and the younger sonne bringeth a Formedon, yet he shall not be barred by such warrantie, *Causa qua supra*. And if any man make any deed with Warrantie, whereby his heire should bee barred, and after he that made the Warrantie be attaint of Felony, then his heire shall not be barred by such Warrantie, for that that such Warrantie might not descend upon him, for that that the blood is corrupt.

Warrantie beginning by Disseisin, is if the sonne purchase lands, and after let the lands to his father for terme of yeers, and the father by his deed infeoffeth a stranger, and bindeth him and his heires to Warrantie, and the father dyeth, whereby the Warrantie disce-

Collateral al issue en le taile, & pur ceo le Garrantie que est Collateral al issue en le taile, uncore est en sa force, & serra barre al issue en le taile, come il fait devaunt le Statute. Auxy il covient que tous Garrantie, per que ascun heire serra barre, que le Garrantie descend per course del common Ley, a celuy que est heire a luy que fist le Garrantie, ou autermét il ne serra barre, car si le Tenant en le taile des fies en Borough English, lou le puisne fies inheret, per le custome, discontinue le taile, & ad issue deux fitz, & l' Vncle releffa al Discontinuee ove Garrantie & devie, & le puisne fitz port *Formedon*, uncore il ne serra barre per tiel Garrantie, *Causa qua supra*. Auxy si ascun home fait ascun fait ove Garrantie, per quel son heire serroit barre, & celuy que fist le Garrantie soit attaint de Felonie, donques son heire ne serra barre per tiel Garrantie, pur ceo que tiel Garrantie ne puit discender sur luy, pur ceo que le sanke est corrupt.

Garrantie commençant p disseisin, est si le fitz purchase terre, & puis leffa le terre a son pere pur terme d'ans, & le pere pur son fait de c'enfeoffa un estrange, & oblige luy & ses heires a Garrantie, & le pere devie, per quel le Garrantie discende al fitz,

The Exposition of

uncore cest Garrantie ne barrera my le fitz, mes le fitz bien poit enter nient obstant cel Garrantie, pur ceo que cest Garrantie commensast p disseisin, quaut le pere fist le feoffement, que fuit un disseisin al fitz. Et come est dit de pere, issint poit este d'it de chescun auter Auncestour. Et mesme le Ley est si l'auncestor soit Tenaunt per *Elegit*, ou per Statute Merchant, & fait ascun feoffement ove Garrantie, tiels Garranties ne serront barres, pur ceo que ils commencent per disseisin.

Garrantie.

Garrantie est quant un est lie al auter q ad f're, de garrant le terre a luy. le quel poit commence per deux meanes, cestascavoire, per act del Ley. Come si un & ses Aucestors ont tenus terre del auter & ses Aucestours per temps dont memorie de court per Homage, que est appelle homage Aucestrel: Ou per l'act del partie que graunt per fait ou fine al Tenaunt del terre de Garrant ceo a luy: Sur quel Garrantie si le Tenaunt soit impleade per luy que doit garrant, ou ses heires, le Tenaunt barra le demaundant per pleader del Garrantie vers luy, que est appel *Rebutter*: Ou si soit empleade per auter en action, en que il poit vouch, il vouche-
ra cestuy que Garrant, ou ses

deth to the sonne, yet this warranty shall not barre the sonne, but the sonne may well enter notwithstanding his warranty, for that that this warranty began by disseisin, when the father made the feoffement, which was a disseisin to the sonne. And as it is said of the father, so it may be said of every other Auncestour. And the same Law is, if the Aucestroz be Tenant by *Elegit*, or by Statute Merchant, and make a feoffment with warranty, such warranty shall be no bars, because they begin by disseisin.

Garrantie.

Garrantie is when one is bound to another which hath land, to warrant the land to him, which may begin two waies, that is to say, by deed of Law: as if one & his Aucestors hath held land of another and his Aucestors time out of minde by homage, which is called Homage Aucestrel: Or by deed of the party which graunteth by deed or fine to the Tenant of the land to warrant it to him: Upon which warranty, if the Tenant be impleaded by him which ought to warrant, or his heires, the Tenant shall barre the demandant by pleading of the warranty against him, which is called *Rebutter*: Or if he be impleaded by another in an action wherein he may vouch, he shall vouch him which warranted, or his heires, and if the
Defendant

Plaintife, recover the Tenant shall recover in value against the Vouchere.

Garrantie del jour.

Garrantie del jour, *scé* for that Warrantia dici.

Gard.

Gard is when an Infant whose Ancestour held by Knights Service is in the ward of keeping of the Lord of whom those lands were holden. And if the Tenant hold of divers Lords divers lands, the Lord of whom the land is holden by priority, that is to say, by the moze elder tenure, shall have the wardship of the Infant: But if one tenure be as old as the other, then hee that first happneth to have the ward of the body shall keepe it: But in that case every Lord shall have the ward of the land that is holden of him. But if the Tenant hold any land of the King in chiefe, then hee by his prerogative shall have the ward of the body, and of all the land that is holden of him, and of every other Lord.

Also there be divers Writs of ward, one is a Writ of right of ward, and that lyeth wherethe Tenant dyeth, his heyze within age, and a stranger enters into the land, and hapneth to have the ward of the body of the Infant.

A Writ of escheatment of ward leeth where a man is put out of the ward of the land without the body of the Infant.

heires, & si le Plaintife recover, le Tenant recouvrera en value vers le Vouchere.

Garrantie del jour.

Garrantie del jour, veies þ cco Warrantia dici.

Gard.

Gard est quant un Enfant quel Auncestor tient per Service de Chivalrie, est en le gard & custodie de le Seignior de que ils fuerount tenus. Et si le Tenaunt tient de divers Seigniours divers terres, celuy Seignior de que il tient per priorite, cestascavoire, per le pluis auntient tenure, avera le garde del Enfant: Mes si un tenure soit auxy auntient que l'auter, donques celuy que primes happa le garde de le corps, gardera ceo: Mes en ceo case chescun Seignior avera le garde del terre que est tenus de luy. Mes si le Tenant tient ascun terre del Roy en chiefe, donqs le Roy per son prerogative avera le garde del corps, & de tout le fre que est tenus d' luy, & de chescun auter Seignior.

Auxy sont divers Brieses de garde, un est Brieſe de droyt de gard, & gist lou le Tenant devie, son heire deins age, & un estrange entra en le terre, & happa le gard le corps de Enfant.

Brieſe d' Eſcheatment de gard gist lou homme est ouste de la gard de terre, sans le corps d' l' Enfant.

Brieſe

The Exposition of

Briefe de Ravishment de
gard gift lou le corps est prise
de luy solement, & nient le
terre.

Gardeine.

WArdeine ou Gardeine plus
properment est celuy que
ad le gard ou custodie d'un
heire & de son terre tenus
per Service de Chivalrie, ou
de un de eux, a son use de-
mesne, durant le nonage del
heire, & deins cest temps ad le
bestowing del corps del heire
en mariage al son vol' sauns
disparagement.

Et d' Gardeines il y ad d'ux
sorts, nosmeint, Gardeine en
droit, & Gardeine en fait.

Gardeine en droit est celuy
q' p' reason de son Seigniorie
est seise d'l gardship ou custo-
die del fre, & del heire, durant
le nonage del heire.

Gardeine en fait est lou le
Seignior ap's son seisin, come
avantdit, gran'a per fait, ou
sans fait le gardship del terre,
ou del heire, ou del ambideux,
a un auē, p' force de q'l grant
le grauntee est en possession,
donques est le grauntee appel
Gardein en fait.

Et cest Gardeine en fait
poit grant le heire al auē auxy:
Mes cest auter nest proper-
ment appel Gardeine in fayt,
car ceo nest l' grantee del
Gardeine en droit solement.

Mes le Gardeine en Socage
ad le profit solement ad use
del heire j'esque il ad accom-
plish l' age d: 14. ans, &

A **W**ard ipeth where the body is
taken from him onely, and not
the land.

Wardeine.

WArdeine o' Gardeine most
properly is he that hath
the wardship o' keeping of an
heire, and of his land holden by
Knights Service, o' of one of
them to his own use, during the
nonage of the heire, and within
that time hath the bestowing of
the body of the heire in marri-
age at his pleasure, without dis-
paragement.

And of Wardeines there be
two sorts, namely, Gardeine in
right, and Gardeine in deed.

Gardeine in right, is he that
by reason of the Seigniority is
seised of the Wardship o' keep-
ing of the land, and of the heire
during the heires nonage.

Gardeine in deed is where
the Lord after his seisin, as
aforesaid, granteth by deed o'
without deed the wardship of
the land, o' of the heire, o' of
both to another, by force of
which grant the grantee is in
possession, then is the grantee
called Gardeine in deed.

And this Gardeine in deed
may grant the heire to another
also: but that other is not pro-
perly called Gardeine in deed,
for that it is the grantee of the
Gardeine in right only.

But the Gardein in Socage
hath the profit onely to the use
of the heire, untill he accomplish
the age of 14. yeres, and must
yield

yield therefore an account to the
heppe: See moze hereof, Little-
ton, lib. 2. cap. 4. & 5. And Stam-
ford upon the Statute of Prerog-
ar. ca. 1. 2. & 6.

Church-wardens.

Church-wardens are Officers
chosen in every Parish, to
have the care and custody of
the Church goods, and they
may have an action for the
goods of the Church, and di-
vers other things they may doe
for the benefit of the Church, &
by the Stat. of 43. El. ca. 2. they
are to joyne with the Overseers
for the making of rates and o-
ther provisions for the poore of
the Parish.

Garnishment.

Garnishment is if an Action
of Detinue of Charters be
brought against one, and the De-
fendant saith, That the Char-
ters were delivered to him by the
Plaintife, and by another upon
certain conditions, and prayeth
that the other may be warned
to plead with the Plaintife, if
the conditions be perfozmed or
no, and thereupon a Writ of
Scire facias shall go forth against
him, and that is called Garnish-
ment, and the other when hee
comes shall plead with the plain-
tife, and it is called enterpleader.

Gaveler.

Gaveler is a speciall and an-
tient kind of Cessavit, used
in Kent where the custome of
Gavelkind continueth, whereby

rendr pur ceo account al
heire. Vide pluis de ceo, Littl.
lib. 2. cap. 4. & 5. Et Stamford
sur Statute de Prerogat. cap. 1.
2. & 6.

Gardeins del Esglise.

Gardeins del Esglise sont
Officers elects en chescun
Paroisse, pur aver l' care & cu-
stodie d's biens d'l Esglise, &
ils poient aver un action p les
biens d'l Esglise, & divers auts
choses ils poient fair pur l' be-
nefit lesglise, & p lestatute de
43. El. ca. 2. ils doivent joindr
ovesq les surveyers en le fea-
sance des rates & auters pro-
visions pur les povers del Pa-
roisse.

Garnishment.

Garnishment est sicome un
Action d Detinue des
Charters est port vers un, & le
Defendant dit, Que les Char-
ters fueront deliver a luy per
le Plaintife, & per un auter sur
certain conditions, & pryé
que l' auter soit garnie de
pleader ove le plaintife, si les
conditions sont perimples ou
nemy, & sur ceo un Brieve de
Scire facias issira vers luy, &
ceo est appel Garnishment, &
l'auter quant il vient ejus
pleadra ove l' Plaintife, & ceo
est appel enterpleader.

Gavelate.

Gavelate est un special &
antient kind de Cessavit,
use en Kent lou le custome de
Gavelkind continue, per quel
le Te-

The Exposition of

le Tenant forfeita ses fres & tenements al Seignour de que ils sont reus, si l'oreine de son Seignour ses due rents & services, solonque cest manſi que ensuiſt:

Siaſcun Tenant en Gavel-kind retaine ſa rent & ſes ſervices de le tenement que il tient de ſon Seignour, q̄rge le Seignour pur agarde de ſa Cour de trois ſemaignes en trois ſemaignes, de trover diſtreſſe ſur cel tenement jeſque a le quart Court, a tout ſoits per teſtimogines.

Et ſi deins cel temps ne trove diſtreſſe en cel tenement, per queux il puiſſe ſon tenant juſtifier, donques a la quart Court ſoit agarde, que il preigne cel tenement en ſa maine, en noſme de diſtreſſe, auxy come ſuit Boefe ou Vache, & le tient un an & un jour en ſa maine, ſauns maine-overter: deins quel terme ſi le Tenaunt vient, & rende ſes arrerages, & fait reaſonable amends de la deteygner, adonc' eyt & enjoy ſon tenement, ſicome ſes Aunceſtours & luy avaunt tiendront. Et ſi ne vient devaunt l' an & le jour paſſe, donq̄ avage le S̄r al p̄chein Countie Court, ſuyant ove teſtimogines de ſa Court, & face la prononcer eel p̄ceſſe pur teſtimoinage au, & per agard de ſa Court (apres ceo Countie tenus) ent & meynovera en cels fres & tenements, ſicome en ſon demefne.

the tenant ſhall forfeit his lands or tenements to the Lord of whom they are holden, if he withhold from his Lord his due rents and ſervices, after this manner as ſolloweth:

If any Tenant in Gavel-kind withhold his rent and his ſervices of the tenement he holdeth of his Lord, let the Lord ſeek by the award of his Court from thre weekes to thre weekes to finde ſome diſtreſſe upon the tenement, untill the fourth Court, alwayes with witneſſes.

And if within that time hee can finde no diſtreſſe in that tenement, whereby he may have juſtice of his Tenant, then at the fourth Court let it be awarded, that hee ſhall take that tenement into his hand in name of a diſtreſſe, as if it were an Ox or Cow, and let him keepe it a yere and a day in his hand without manuring it: within which terme, if the Tenaunt come and pay his arrerages, and make reaſonable amends for the withholding, then let him have and enjoy his tenement as his Anceſtors and hee befoze held it: and if hee doe not come befoze the yere & day paſt, then let the Lord go to the next County Court with his witneſſe of his owne Court, and pronounce there this proceſſe to have further witneſſes, & by the award of his Court (after the County Court holden) hee ſhall enter and manure in theſe lands and tenements as in his owne.

And

And if the Tenant come after ward, and will rehave his tenements, and hold them as he did befoze, let him make agreement with the Lord, according as it is anciently said.

Hath hee not since any thing given, nor hath he not since any thing payed, then let him pay v. li. for his were, ere befoze hee become tenant or holder againe. See hereof, 10. H. 3. Fitzh. Cessavit 60. and Stat. 10. Ed. 2. of Gavellet in London, in the Collection of Statutes, London 2. matter much tending to this purpose, that by this word Gavellet the Lord shall have the land for the cessing of the Tenant. And see Westm. 2. cap. 21. which giveth Cessavit.

There be some Copies which have the first Verse thus written :

Nisith yelde, and nisith gelde.

And others thus :

Nighefith yeld, and nighefith geld.

But these differ not in signification : other Copies have it after this sort :

Nigondfith seld, and nigondfith geld.

That is to say, Let him nine times pay, and nine times repay.

Gavelkind.

Gavelkind is a custome annexed, and going with lands in Kent, called Gavelkinde lands holden by ancient Socage tenure. And is thought by the skilfull in Antiquities, to

Et si le Tenaunt vient apres, & voyle reaver ses tenements, & tener sicome il fist devaunt, face agree al Seignieur, sicome il est auintement dit.

Neghesith selde, & neghesith gelde, & v. li. for the were, er hee become healden. Vide de ceo, 10. Henric. 3. Fitzherbert, Cessavit 60. & Statute 10. Edw. 2. de Gavellet en London, en le Collection del Statutes, London 2. matter tendant mult a cel purpose, que per cel parol Gavellet, le Seignieur avera le terre pur cesser le Tenaunt. Et veies westmonast. 2. cap. 21. que done Cessavit.

Il y ad ascun Copies que ad le primer Verse issint escript :

Nisith yelde, & nisith gelde.

Et auters issint :

Nighefith yeld, & nighefith geld.

Mes ceux ne differ en signification: auters Copies ont ceo solouque cest sort.

Nigondfith seld, & Nigondfith geld.

Cestascavoire, payera il novies foites, & novies foites repay.

Gavelkind.

Gavelkind est un custome annexe, & currant ove terres en Kent, appel Gavelkind terres, tenus en antient Socage tenure. Et est pensee par les erudite en Antiquities, de-

The Exposition of

ste appel Gavelkind de Give al Kinne, cest a dire, a tous les kinne en un line, accordant come est use enters les Germans, de quo nous Anglois, & especialmr. de Kent, venomous. Ou est appel Gavelkinde de Give al Kinde, cest a dire, al tous les Males, car Kinde en Dutch signifie un Male. Et divers auts semblable conjectures sont fait par eux, de le nosme Gavelkinde, le quel Ieo omit de purpose pur brevitie.

Les puyz usual customes de eux sont, Que le terre est dividable enter les heires Males, & que le heire al age de xv. ans poyt done & venda sa terre, & serra enherite coment son pere soit attainr, & pendue pur felonie, & sa feme serra endowe del demie del terre dont son baron devie seisie, & le baron serra Tenaunt per le courtesie del demie, coment ne avoyt issue per la feme, mes l'estate del baron & feme cease per leur second mariage. Et divers auters customes sont uses en Kent de terres en Gavelkind, pur queux veyes le *Perambulation de Kent*, fayt per Mounseigneur Lambert : pur quel cause le residue Ieo voile omit, come impertinent a cel leure, & entreat amplement en le dit *Perambulation*.

Gawgeour.

Gawgeour est un Officer d'I Roy designe de seacher

be called Gavelkind, of Give al Kinne, that is to say, to all the kindred in one line, according as it is used among the Germans, from whom we Englishmen, and chiefly of Kent, come. Or else it is called Gavelkind of Give al Kind, that is, to all the Male children, for Kind in Dutch signifieth a Male child. And divers other like conjectures are made by them of that name Gavelkind, which I omit of purpose for brevities sake.

The most usual customes of them are, That the land is dividable betwene the heyres Male, and that the heyre of the age of 15. yeres may give and sell his land, and shall inherite, although his father be attained and hanged for felony, and his wife shall be endowed of halfe the land whereof her husband dyed seisd, and the husband shall be Tenant by the courtesie of the halfe, although he have no issue by his wife, but the estate of the husband and wife ceaseth by their two marriage. And divers other customes are used in Kent of the lands in Gavelkind, for which see the *Perambulation of Kent*, made by Master Lambert : for which cause the residue I will omit, as unnecessary for this booke, and intreated of largely in the said *Perambulation*.

Gawgeour.

Gawgeour is an Officer of the King appointed to search

search all Tunnets, Hogheads, Pipes, Barrells, and Tertianes of Wine, Oyle, Honey, Butter, and to giue them a marke of allowance befoze they be sold in any place. And because this marke is circle, made with an iron instrument for that purpose, it seemeth that hee eaketh his name from thence. Of this Office there hath bin made many Statutes, the first wherof is, An. 27. E. 3. ca. 8. and the others are 4. R. 2. ca. 1. 18. H. 6. c. 17. 23. H. 6. c. 16. 1. R. 3. ca. 13. & 28. H. 8. cap. 14.

Gild.

Gild hath diuers significations, as sometimes a tribute, other times an amercement, thirdly, a fraternity or company combined together by Orders and Lawes made amongst themselves by the Kings license. Master Cambden citeth many Antiquities, whereby it appeareth to signify a tribute or taxe, as pag. 135. 139. 159. 168. 178. Master Crompton in his Jurisdiccions, fol. 191. sheweth it to bee a prestation within the Forest, in these words, To be quit of all manner of Gelds is to be discharged of all manner of prestations to be made for gathering of sheaves of Cozne, of Lambe, and of all to the use of the Foresters.

Also Master Cambden, pag. 149, diuiding Suffolke into three parts, calleth the first Gildable, because Tribute is thence

routs Tuns, Hogheads, Pipes, Barrells, & Tertianes, de Vine, Oyle, Honey, Butter, & a don euz un note d allowance deuant ils sont vendus en ascun lieu. Et pur ceo que cest marke est un cirle fait oue un instrument de ferre pur cel purpose, il semble q il prist son nomme de ceo. De cest Office la ad estre fait plusieurs Statutes, le primer de que est, An. 27. E. 3. cap. 8. & les auters sont 4. R. 2. cap. 1. 18. H. 6. cap. 17. 23. H. 6. cap. 16. 1. R. 3. ca. 13. & 28. H. 8. cap. 14.

Gild.

Gild ad diuers significations come escu foits un tribute, auter foits un amerciaement, tiercement un fraternite ou compagnie combinee ensemble p Orders & Leyes fait inf euz mesmes p le congee le Roy. Monsieur Cambden cita plusieurs Antiquities, p q il appiert d signifier un tribute ou taxe, come page 135. 139. 159. 168. 178. Mounseieur Crompton en ses Jurisdiccions, fol. 191. monstre ceo destre un amerciaemt, come Foot-geld: & fol. 197. il interpret ceo destre un prestation deins le Forest. en ceux parols, destre quit d tous maners de pstations destre fait p le prisure de garbes de corne, d iuvene barbits, & de sane al use del Foresters.

Auxy Mounseieur Cambden, pag. 149. diuidant Suffolke en trois parts, appel le premier Gildable, pur ceo que tribute

The Exposition of

tribute est de ceo collect. Et les Statutes, Anno 27. Edw. 3. Stat. 2. cap. 13. & Anno 11. Henr. 7. cap. 9. usont Gildable en mesme le sensse, & issint le Statute Anno 27. H. 8. cap. 26. de ceo Mounseur Lambert verbo *Contubernalis* est perswade que le comun parol Gild ou Gildhal proceda, esteaunt un Fraternitie ou Communalte de homes aggregated en un combination, supportant leur common charge p un mutual contribution. Et en le *Regist. Orig. fol. 219. b.* la est *Gildam Mercatoriam*, que semble desti un certaine liberte ou priviledge appertinent al Merchants, per que ils sont ennable de tener certaine Plee de terre deins leur percinets demesne. Cest parol Gilds ou Guildes est issint use, Anno 27. Ed. 3. cap. 51. & Anno 15. R. 2. cap. 5. Et *Guildhalda Teutonicorum* est use pur le fraternitie, de Easterling Merchant en Londres appel le Stil-yard, Anno 22. Hen. 8. cap. 8. Veies Coke, lib. 8. fol. 125.

Gors.

GOrs (*Gurge*) est un estrange ou guse d eau pur le preserver ds peissons, per le grant d q le soile n passef, & un *Præcipe quod reddat* gift d ceo come est a veir en 4. E. 3. 29. b. & 8. E. 3. 13. a. & Fitz. N. B. 19. H.

gathered. And the Statute Anno 27. Edw. 3. Stat. 2. cap. 13. and Anno. 11. Hen. 7. cap. 9. use Gildable in the same sense, and so the Statute Anno 27. Henric 8. cap. 26. from his Master Lambert in the word *Contubernalis* is perswaded that the common word Gild or Gildhall proceedeth, being a Fraternity or Communality of men gathered in one combination, supporting their common charge by a mutual contribution. And in the Register Orig. fol. 219. b. there is *Gildam Mercatoriam*, which seemeth to be a certaine liberty or priviledge, appertaining to Merchants, whereby they are enabled to hold certaine Pleas of land within their owne precincts. This word Gilds or Guilds is soufed, An. 27. Edw. 3. cap. 51. and An. 15. R. 2. cap. 5. And *Guildhalda Teutonicorum* is used for the fraternity of Easterling Merchants in London called the Stil-yard, An. 22. Hen. 8. cap. 8. See Coke lib cap. 8. fol. 125.

Gors.

GOrs (*Gurges*) is a poole or pit of water for to keepe fish in by the grant whereof the soile seise passes, and a *Præcipe quod reddat* lyes of it, as it is to see in 4. E. 3. 29. b. and 8. E. 3. 13. a. and Fitzh. Nat. Bre 191. H.

- Grand

Grand cape.

Grand cape, looke therfore after in the title Petit Cape.

Grand distresse.

Grand distresse, is of that befoze in the title of Distresse.

Grand Serjeantie.

Grand Serjeantie, is where a man holdeth of the King certayne land by the service of carrying his banner or launce, or to leade his hoste, or to be his Carber or Butler at his Coronation, and that is the most honourable service and most woorthy that a Tenant may doe, and for that it is called Grand Serjeanty. But Petit Serjeanty is when one holdeth of the King, paying to him yearly a Bosw, a Sword, a Speare, and such like, and that is but Socage in effect. but a man cannot hold in Grand Serjeanty, or by Petit Serjeanty, but of the King. Also if a Tenant by Grand Serjeanty dyeth, his heyre being of full age, the heyre shall pay to the King for reliefe the value of Lands ober the charges that he payeth to the King by Grand Serjeanty: but he that holdeth by Escuage shall pay for his reliefe but C.s.

Also those that be in the Marches of Scotland, that hold of the King by Cornage, that is, to blow an horne when the Scots enter into England, are Tenants in Grand Serjeanty.

Grand Cape.

Grand cape, veies de ceo apres e le tide Petit Cape.

Grand Distresse.

Grand Distresse, veies d e devant en le tit. d Distres.

Grand Serjeanty.

Grand Serjeantie, est lou un home tient d Roy certayne terres p le service d porter son bann ou launce, ou amesner son hoste, ou destre son Carver ou Butler a son Coronment, & tiels semblables, & ceo est la pluis digne, que le Tenant poit faire, & pur ceo est appel Grand Serjeantie. Mes Petit Serjeantie est quant un tient d Roy rendant a luy annualment un Arke, un Coteau, un Launce, & tiel semble, & ceo hest forsque Socage en effect, mes home ne poyt tener en Graund Serjeantie, ne per Petit Serjeantie, si non de Roy. Auxy si Tenant p Grand Serjeantie morust son heire esteant de plein age, l'heir payera al Roy pur reliefe le value ds fres ouster les charges q il pay al Roy p Grand Serjeantie: Mes cestuy q tient per Escuage, payera pur son reliefe forsque C.s.

Auxy ceux que sont en le Marches de Scotland, q tient del Roy per Cornage, cest est, pur ventiler un cornu quant les Scots entrent en Engleterre, sont Tenants p Grand Serjeantie.

The Exposition of

Auxy ou un home tient del Roy pur trover un home en sa guerre deins le Realme, cest est dit Grand Serjeantie, pur ceo que il est fait per corps d'un home. Et si le Tenant ne poit trover home de faif ceo, donques il est tenu de faire ceo luy mesme.

Et il que tient per Grand Serjeantie tient per Service de Chivaler, & le Roy avera gard, marriage, & reliefe, mes nemy de ceux que tient per Petite Serjeantie, mes le Roy navera de eux que tient per Grand Serjeantie, Escuage, si non que ils tient per Escuage. Issint ceux q̄ tient per Grand Serjeantie ou Escuage tient p̄ Service de Chivaler. Més un poit tener per Grand Serjeantie, & nemy per Escuage, & p̄ Escuage, & nemy p̄ Graund Serjeantie. Et le Service de Chivaler routs foits trayt a luy gard, marriage, & reliefe.

Gree.

Gree venust del Francoys parol (*Gre*) Beneplacitum, & signifie en nostre Ley contentment ou satisfaction, come en le statute 1. R. 2. cap. 15. de faif gree as parties est a doner eux contentment ou satisfaction pur un offence as eux fait.

Greene bewe.

Greene bewe est tout un ove Vert, come appiert per Manwood en ses Leys d̄l Forest, ca. 6. s̄ct. 5. & pur ceo veies Vert.

Also where a man holdeth of the King for to finde a man in his wars within his Realm, that is called Grand Serjeantie, for that that is done by a mans body: And if the Tenant cannot finde a man to doe it, then he is bound to doe it himselfe.

And he that holdeth by Grand Serjeanty holdeth by Knights Service, and the King shall have ward, marriage, & reliefe, but not of them that hold by Petit Serjeanty, but the King shall not have of them that hold by Grand Serjeanty, Escuage, except that they hold by Escuage. So they that hold by Grand Serjeanty or Escuage, hold by Knights Service. But one may hold by Grand Serjeanty, and not by Escuage, and by Escuage, and not by Grand Serjeanty. And the Knights Service alwayes drasweth to it ward marriage, and reliefe.

Gree.

Gree comes of the French word (*Gre*) Good liking, & it signifies in our law contentment or satisfaction, as in the Statute of 1. R. 2. c. 15. to make gree to the parties is to give them contentment or satisfaction for an offence done unto them.

Greene hewe.

Greene hewe is all one with Vert, as it appears by Manwood in his Forest Lawes, cap. 6. sect. 5. And therefore see Vert.

Greene

Greene waxe.

Greene waxe is a word used in the Statutes of 42. E. 3. cap. 9. & 7. H. 4. cap. 3. and signifies the estreats of issues, fines, and amercements in the Exchequer, & delivered out to the Sheriffs under the Seale of the Court, to be levied by them in their severall Countie.

Grithbreach.

Grithbreach, that is, the King's peace broken, because (Grith) in English, is Pax in Latine.

Gule of August.

Gule of August is the first day of the Calends of August, which in the time of Edward 1. and Edw 3. was called ordinarily the Gule of August, as it appeares by Fitz. Nat. B. fol. 62. 1. and Plowdens Com. fol. 316. b. It is the very day of S. Peter ad vincula, and the reason why it was called the Gule of August, is conceived upon a story recorded by Durandus in his Rationale Divinorum, lib. 7. cap. 19. of a miracle wrought by S. Peters Chaîne upon the daughter of one Quirinus a Tribune of Rome, who by the kissing of that chaîne was healed of the Kings Evil in her throat. And see Hospinian. de origine Festorum, fol. 85. b. tells such another story out of Petrus de Natal. and Jacobus de Voragine.

Greene waxe.

Greene waxe est un parol use é lestatutes de 42. E. 3. cap. 9. & 7. H. 4. cap. 3. & signifie les estreates des issues, fines & amerciements en le Exchequer, & bailes hors as Viscounts souch le Seale del Court, deestre per eux levies en lour severall Counties.

Grithbreach.

Grithbreach, hoc est, Pax Dom Regis fracta, quia (Grith) Anglice, Pax Latine.

Gule de August.

Gule de August est le prim jour ou les Calends del August, que en le temps Ed. 1. & Ed. 3. fuit usualment appelle Gule de August, come appiert per Fitz. N. B. fol. 62. 1 & Plowden. Com. fol. 316. b. Est le verie jour St. Petri ad vincula, & le reason pur que est appel le Gule de August, est conceive sur un Historie recorde per Durand en son Rationale Divinorum, li. 7. cap. 19. dun Miracle effect per le Chaîne de St. Peter sur le fille dun Quirine un Tribune del Rom, que per le baiser del dit Chain fuit cure d's Escrovelles en sa goule. Et veies Hospin. de origine Festorum, fol. 85. b. report tiel au Historie hors del Petr. de Natal. & Iacob. de Voragine.

The Exposition of

H.

Habeas Corpus.

H*Ab:as Corpus* est un Brie le quel home endite de ascū trespasse d'vant Iustice d'I Peace, ou ē un Court d'ascun Franchise, & sur son prisure esteaunt gisten prison pur mesme, poit aver hors del Banke le Roy p' c' d'amesner luy mesme la a ses costs de mesme, & de responder l' cause icy, *F. N. B. fol. 250. h.* Et le order en ceo case est, primermt d'pocurer un *Certiorari* hors del Chauncerie, direct al dits Iustices, pur le remover del endictment en le Banke le Roy, & sur ceo de procurer cest Briefe al Viscount de causer son corps destr' amesne al un jour, *Reg. Iudic. fol. 81.* ou vous poies trover plusors cases en queux cest Briefe sera use.

Habeas corpora est un Briefe que gist quant un lurie ou ascuns de eux refusont de verner sur le *Venire facias*, pur le trial d'un meistre port al issue.

Habendum.

H*abendum* est un parol de forme, en un fait de Conveyance, al voyer intelligence de que est destr' observe, Que en chescun fait de Conveyance la sont deux Principal pars, le Premisses, & le *Habendum*.

H.

Habeas Corpus.

H*Abcas Corpus* is a writ the which a man indited of any trespasse befoze Justices of the Peace, or in a Court of any franchise, and upon his apprehension being laid in prison for the same, may have out of the Kings Bench thereby to remove himselfe thither at his own costs and to answer the cause there, *F.N.B. fol. 250. h.* And the order in this case is, first to procure a *Certiorari* out of the Chancery, directed to the said Justices for the removing of the enditment into the Kings Bench, and upon that to procure this writ to the Sheriffe to cause his body to be brought at a day, *Reg. Iudic. fol. 81.* where you may find many cases wherein this writ shal be used.

Habeas corpora is a writ which lyeth when a Jury or any of them refuse to come upon the *Venire facias*, for the trial of a cause brought to issue.

Habendum.

H*abendum* is a word of forme in a deed of Conveyance to the true understanding whereof it is to be observed, That in every deed of Conveyance there be two principal parts, the Premisses, and the *Habendum*.

The

The Office of the Premises is to expresse the name of the Grauntoz, the Graantee, and the thing to be granted: the Office of the Habendum is to limit the estate, so that the generall implication of the estate, which by construction of Law passeth in the Premises, is by the Habendum controlled and qualified: As in a Lease to two men, Habendum to the one for life, the remainder to the other for life, altereth the generall implication of the joynt tenancy in the feehold, which passeth by the Premises, if the Habendum were not. See Cok. lib. 2. fol. 55.

Habere facias seisinam.

Habere facias seisinam is a writ Judiciall, and it lyeth where one hath recovered certaine Lands in the Kings Court, then hee shall have that writ directed to the Sheriffe, commanding him to give him seisin of that land, and it shall not be returnable.

Halfe seale.

Halfe seale is a seale used in Chancery for the sealing of Commissions unto Delegates upon an appeale in a cause civil or marine, as it appeares by the Statute made in 8. Eliz. cap. 5.

Halymote.

Halymote is a Court Baron, as it appeares by Manwood in his Forest Lawes, cap.

Le Office des Premises est d'exprimer l'nom du Grauntor, le Graantee, & le chose destre grauntus: l'Office del Habendum est de limiter l'estate, issint q le general implication del estate que p construction de Ley passa en les Premises, est per le Habendum controle & qualifie: Si come en un lease a deux homes, Habendum a l'un pur vie, l'remainder al autre pur vie, alter le general implication del joynt tenancie en le Franktenement que passera p les Premises, si le Habendum ad este omis. Veies Cok. lib. 2. fol. 55.

Habere facias seisinam.

Habere facias seisinam est un Briefe ludicial, & gist lou un ad recover certaine terres en Court le Roy, donques il avera cest Briefe direct al Viscount, luy commandaunt de done a luy seisin del terre, & ne serra returnable.

Demy seale.

Demy seale est un seale use en le Chauncerie pur le sealer des Commissions as Delegates sur un appeale en un cause civil ou marine, cōc appiert per lestatute fait en 8. Eliz. cap. 5.

Halymote.

Halymote est un Court Baron, cōc appiert p Manwood en ses Forest Leyes, cap.

The Exposition of

32. fol. 217. a. Et est appelle
Halymote, cestascovoire, le
cencurse & Tenants dun Hall
ou Manor.

Hambling ou Hoxing des Chiens.

HAmbling ou Hoxing, ou
Hochtynewing des Chi-
ens sont antiens tmes del Fo-
rest pur le lawing des Chiens,
Ant le custome fuit, come appi-
ert p *Manw. For. Lcy. cap. 16.*
sect. 12. de couper ou berluf-
fer Chiens lour Jareds, mes
ore est use destre fait en lour
pieds. De q veies *Expeditate.*

Handgun.

HAndgun est un engine que
est prohibite destre use &
emport per le Statute de 33.
Hen. 8. cap. 6. Et coment que
un Dagge fuit envent de tar-
dite temps, & puis le lesans del
dit Act, & nest conus p l' nom
de Handgun, mes per un espe-
ciall nomme, uncore le carry-
ing de un Dagge est deins le
dit Act, & comprehend deins
le parol Handgun. Isint ou
Crosse-bowes sont prohibite
per le dit Act, per ces Stone-
bowes sont auxy prohibite.
Veies *Cok. lib. 5. fol. 71. 72.*

Hangwit.

HAngwit, hoc est, quietum
esse de Latroni suspenso
sine iudicio, vel extra custodi-
am vestram evaso.

23. fol. 217. a. And it is calle^d
Halymote, that is to say, the
meeting of the Tenants of one
Hall or Manor.

Hambling or Hoxing of Dogges.

HAmbling or Hoxing, or Hoch-
tynewing of Dogges are
old Forest termes for the law-
ing of Dogges, when the cus-
tome was, as appears in
Manwoods Forest Lawes, cap. 16.
sect. 12. to cut or gash Dogges
in the hamms, but now they
use to doe it in their feet. Of
which see *Expeditate.*

Handgun.

HAndgun is an engine which
is prohibited to be used and
carried about by the Statute of
32. H. 8. cap. 6. And although that
a Dagge was invented of late
time, and after the making of
the said Act, and is not knowne
by the name of Handgun, but by
a speciall name, yet the carrying
of a Dagge is within the said
Act, and comprehended within
the word Handgun. So where-
as Crosse-bowes are forbidden
by the said Act, by this Stone-
bowes are also forbidden. See
Cok. lib. 5. fol. 71. 72.

Hangwit.

HAngwit, that is, to be quit
of a Thiefe or Felon hanged
without judgement, or escaped
out of your custody.

Haque.

Haque.

HAque is a little Handgun of thre quarters of a yard long, and it is mentioned in the Statutes of 33.H.8. cap. 6. and 2. & 3. E.6. cap. 14. There is also mention made of a halfe Haque.

Haquebut.

HAquebut is a Gun mentioned in the Statute of 2. & 3. E.6. cap. 14. and it is all one with a Harquebuzze.

Harior.

HArior is in two sorts, the one Harior custome, the other Harior service.

Harior service (some say) is often expressed in a mans grant or deed, that hee holdeth by such service to pay Harior at the time of his death. And this Harior is payable after the death of the Tenant in fee Simple.

Harior custome is where Hariors have bene paid time out of minde by custome. And this may be after the death of the Tenant for life, &c. But to speake thereof generally:

Harior is the best Beast (whether it be Horse, Oxe, or Cow) that the Tenant had at the time of his death. And the Lord may either seise, or take a distresse for it, whether it be Harior service, or Harior custome, to the Lords use of whom the Tenant held by his Wife, life or other Officer belonging to his Manor. But of right

Haque.

HAque est un petit Handgun d'un longueur de trois quartiers d'un verge, & est mention en lestat. de 33.H.8. ca.6. & 2. & 3. E.6. cap. 14. La est auxy parle dun demy Haque.

Haquebut.

HAquebut est un Gunne mention en lestat. de 2. & 3. E.6. cap. 14. & est tout un ove un Arquebuse.

Harior.

HArior est en deux sorts, l'un Harior custome, le autre Harior service.

Harior service (ascuns dient) est mult foits expresse, en le graunt d'un home ou en son fait, que il tient p tiel service pur payer Harior al temps de son mort. Et cest Harior est payable apres le mort de l' Tenant en fee simple.

Harior custome est lou Hariors en este paies temps hors de memory p custome. Er ceo poit este apres le mort del Tenaunt pur vie, &c. Mes a parler de ceo generalment:

Harior est le meliour Beast (soit il Chival, Boefe, ou Vache) q l' Tenant ad al réps de son mort. Et le Seignieur poit seisie, ou prendre un distres p c', soit il Harior service ou Harior custome, a l' use del Seignieur de q le Tenant tient per son Bailife, ou autres Officers de son Manor. Mes d' droit le Seignieur, ne son Of-

The Exposition of

ficer ne doit prendre Hariot deuant que il soit present al prochein Court tenus apres le Tenant est mort, & que tiel Beast est due al Seignieur pur son Hariot.

Hward.

Hward ou Hayward est un Officer designe en chescun Ville destre le common Ward del Ville, & semble que il est issiat appel, ou pur ceo que un part de son Office est pur garde le hayes de terres enclose, issint que ils ne soient croppe ne infringe, ou pur ceo que il garde le grasse del parde & destruction de Avers, issint que Hay poit estre fait de ceo. Il est un Officer jurus en le Court del Seignieur: Pur que serement veies *Kitch. fol. 46.*

Haukers.

Haukers est un terme use en lestatutes de 25. H. 8. cap. 9. & 33. Hen. 8. cap. 4. & signifie Tinters queux alont de lieu en lieu per le pais, & per color des Letters Patents le Roy ou Placard, achatont & vendont airain & pewter, & deceive les leiges le Roy & en le poise & en le substance.

Haybote ou Hedgebote.

Haybote ou Hedgebote, est necessarie flusse pur faire & amend haies, que Lessee pur ans, ou pur vie, de comon droit poit prendre sur le terre

the Lord nor his Officer shoud not take Hariot, befoze it be presented at the next Court holden after the Tenant is dead, and that such a Beast is due to the Lord for his Hariot.

Haward.

Haward oz Hayward is an Officer appointed in every Town to be the common Ward of the Towne, and it seemeth that hee is so called, either for that it is one part of his Office to keepe the hedges of inclosed grounds, so that they be not cropped nor broken downe, oz because that hee keepeth the grasse from the hurt and destruction of Cattell, so that Hay may be made thereof. He is an Officer sworn in the Lords Court: For which oath, see *Kitch. fol. 46.*

Haukers.

Haukers is a word used in the Statutes of 25 H. 8. ca. 9. and 33. H. 8. cap. 4. and it signifies Tinkers that goe from place to place thorow the country, and by colour of the Kings Letters Patents oz Placards buy & sell brasse and pewter, and coozen the Kings people both in the weight and in the stuffe.

Haybote or Hedgebote.

Haybote oz Hedgebote is necessary flusse to make and amend hedges, which the Lessee for years, oz for life, of common right may take upon the ground

ground to him leased, although it be not expessed in his lease, and although it be a lease by word without writing.

Haybote also may be taken for necessary stufte to make Rakes, Forkes, and such like instruments, wherewith men use in Summer to tedde and make Hay. And so a Lessee for yeeres took it, and it was allowed him by his Lessor the rather, as I suppose, for that such instruments are commonly made of slender under-wood, which by the common Law the Lessee for yeeres may cut and take, as is aforesaid.

Headborow.

Headborow is compounded of two words (Heofed, id est, Head) and (Borhe, id est, Pledge.) So that Headborow signifies the chiefe of the free pledges in a decenary within a Leet, or hee that had the government of those that are within his own pledge. And he was called Headborow or Borowhead, or Borowghs-holder, or Thirdborow, or Tithingman, or Chiefe pledge, or Borowelder, according to the diversity of speech in divers places. And to this day he is now called a Constable.

Hæretico comburendo.

Hæretico comburendo is a word, & lieth against him who is an Hereticke, that is, who having bin once convinced of Heresy by the Bishop, & having ab-

a luy lessé, nient obstant il ne soyt expresse en son lease, & nient obstant que il soit un lease per parols sans escript.

Haybote auxy poit estre prise pur necessarie stuffe pur faire Rakes, Forkes, & tiels sembl' instruments, ove queux hōes usont en somm' p tedder & faire feine. Et issint un Lessee p ans prist c', & fuit a luy allow per son Lessor plus tost come Ico suppose, pur ceo que tiels instruments faits de slender subbois, q p le common Ley l' Lessee pur ans poit succider & prender, come est avantdit.

Headborow.

Headborow est compound des deux parols (Heofed, id est, caput) & (Borhe, id est, pignus.) Issint q Headborow signifie le chiefe des frankpledges en un decenarie deins un Leet, ou celuy q avoit l' government des eux q sont deins son pledge demesne. Et il fuit appel Headborow ou Borowhead, ou Borowghs-holder, ou Thirdborow, ou Tithingman, ou Chiefe pledge, ou Borowelder, selonq le diversite des dialects des divers lieux. Et a ceo jour est ore appel un Constable.

Hæretico comburendo.

Hæretico comburendo est un Briefe, & gift vers luy que est un Heretique, ceo est que ayant estre un foyts convince de heresie per l' Evesque, & ayant

The Exposition of

ayant c' abjure, puis en c' relapse arere, ou en aucun auter, & est sur ceo commise al lay poyar.

Et *Brit. lib. 1. cap. 17.* dit, Que per le Common Ley ceux persons queux feloniously arseront auters blees, ou auter measons, & auxy ceux queux sont Sorciers, & Sorciresses, & Sodomies, & Hereticks seront auxy combures & arles.

Heireloome.

Heireloome est ascun parcel des utensils dun mease, que per le custome del ascun pais esteant appertenant al un mease pur certaine descents, ala ove le mease apres le mort del owner al heire, & nemy as Executors.

Hidage.

Hidage, hoc est, quietu esse, si Dominus Rex talliauit rotam fram p Hidas.

Nota, Que un Hide de fre est un entiere Plough-land : Et cest kind de taxing per Hides fuit mult use en veyel temps, cybien pur provision de Armour, come payments de Argent, & c' principalmt en les jours d' l Roy *Eldred* (un Roy e cest pais d'vant l' Conquest) q en l' anñ de Christ 1006. qnt les Danes pristera terre al Sandwiche en Kent, tax tout son fre p Hides e cest man. Que chesc 310. Hides d' fre doyent trover un nief furnish, & chesc 8. Hides doyent

jured it, afterward fals into it agains, or into some other, and is thereupon committed to the secular power.

And *Brit. lib. 1. cap. 17.* saith, That by the Common Law those persons which should feloniously burn the coine or houses of others, & also those which were Sorcerers and Sorceresses, and Sodomitical persons, and Hereticks, should be burnt and consumed.

Heireloome.

Heireloome is any pce of householdstuf, which by the custome of some countries, having belonged to a house for certaine descents, goes with the house after the death of the owner unto the heire, and not to the Executors.

Hidage.

Hidage, that is, to be quit, if the King shall take all the land by Hides.

Note, That a Hide of land is a whole Plough-land : And this kinde of taxing by Hides was much used in old time, as well for provision of Armour, as payments of money, and that chiefly in King *Ethelred's* dayes (a King in this Country before the Conquest) who in the yere of Christ 1006. when as the Danes landed at Sandwiche in Kent, taxed all his land by Hides thus, That every 310. Hides of land should finde one Ship furnished, and every 8. Hides should finde one

one Jack and one saddle for the
defence of the Realme.

trois un Jacke & un sallet par
le defence del Realme.

Hoblers.

Hoblers.

Hoblers are men mentioned
in the Statute of 25. E. 3.
Stat. 5. cap. 8. and they are such
as by their tenure are bound
to keepe a little Dagge to give
notice of any invasion or other
danger that hapneth nere the
sea side where they dwell.

Hoblers sont homes men-
tion en lestatute de 25. E. 3.
Stat. 5. cap. 8. & sont tiels q^x
per leur tenure sont lies de
maintenir un petit Chival, p^r
donor notice d'asc' invasion
ou au^t peril qⁱ happa pchein
al mere lou ils demurront.

Hoghenhine.

Hoghenbine.

Hoghenhine is he who com-
meth guest-wise to a house,
and there lyeth the third night,
after which time he is accoun-
ted one of his family, in whose
house he lyeth, and if he offend
the Kings Peace, his host must
be answerable for him, Bract.
li. 3. tract. 2. ca. 10. In the Lawes
of King Edward set forth by
M. Lambert he is called Agen-
hine, where you may read more
of this matter.

Hoghenbine est celuy que vi-
ent a un meason en l' guise
d'un guest, & la repose l' tierce
nuict, puis quel temps il est
acoint un d son Famille, en
que meason il repose, & offend
le Peace l' Roy, son host covi-
ent de respond p^r luy, Bract.
li. 3. tract. 2. cap. 10. En l' Leys
d Roy Edward, edite p Mon-
sieur Lambert, il est appel' A-
genhine, ou vous poyes lyet
pluis de cest meistre.

Homagio respectuando.

Homagio respectuando.

Homagio respectuando is a writ
directed to the Escheatour,
commanding him to deliver sei-
sin to the heire of his lands at
his full age, although that he
hath not made his homage. Of
which see Fitz. N. B. 269. A.

Homagio respectuando est un
B^re direct al Escheatour,
luy mandant par deliver seisin
al heire de ses terres a son
plein age, coment que son ho-
mage ne soit fait. De qⁱ vices
Fitz. N. B. 269. A.

**Homine capto in Wi-
thernamium.**

**Homine capto in Wi-
thernamium.**

Homino capto in Withernami-
um is a writ to take him
that hath taken any bondman
or woman, and led him or her
out of the County, so that he or

Homine capto in witherna-
mum est un B^re d prendre
luy qⁱ ad prise asc' villaine ou
nief, & trahe luy ou el hors d^e
Countie, issint que il ou el ne
poit

The Exposition of

poit estre replevie accordant
al Ley, Reg.orig.fo.79.a.

Homine replegiando.

Homine replegiando est un
Briefe pur le bayler des
homes hors del prison : le
quel en queux cascs gist, & en
queux nemy, veies *Fitz. N. B.*
fol.66.E. & veies hic apres tit.
Replevin in fine.

Hotchpot.

Hotchpot est un medling ou
mixing ensemble, & un
partition de terres done en
Frankmarriage, ovesq; auters
terres en fee simple descendus:
Come per exsample, un home
seisie de xxx. acres de terre en
Fee simple, ad issue d'ux files,
& done ovesq; un d' ses files,
al un home q luy marrie, x. a-
cres d' ceo fre en Frankmarri-
age, & morust seisie de les au-
ters xx. acres. Ore si el que
est issint marrie voilloit aver
ascun part de les xx. acres de q
sa pere morust seisie, el doyt
mis ses terres done en frank-
marriage, en Hotchpot, ceo est
adire, el doyt refuser de pren-
der le sole profits d' l' fre done
en frankmarriage, & suffer
le terre de estre commixt &
mingle ensemble ovesque le
auter terre de que sa pere
morust seisie, issint que un e-
qual division poyt estre fait d'
lentire, perenter luy & sa soer.
Et issint pur sa x. acres el ave-
ra xv. auterment sa soer vojt
aü les xx. acres de que lour
pierre morust seisie.

she cannot be replebled accor-
ding to Law, Reg. Orig. fo. 79. a.

Homine replegiando.

Homine replegiando is a writ
to deliver men out of prison
upon Walle: which in what ca-
ses it lies, and in what not,
see in *Fitz. N. B. fol. 66. E.* and see
here afterward in the title of
Replevin in the end.

Hotchpot.

Hotchpot is a medling or mix-
ing together, and a partiti-
on of lands given in Frank-
marriage, with other lands in
fee simple descended: As for
example, a man seised of xxx. a-
cres of land in fee simple, hath
issue two daughters, and giveth
with one of his daughters to a
man that marieth her, x. acres
of the same land in Frankmar-
riage, and dyeth seised of the o-
ther xx. acres. Now if she that
is thus married will have any
part of the xx. acres whereof
her father dyed seised, she must
put her lands given in frank-
marriage, in Hotchpot, that is
to say, she must refuse to take
the sole profits of the land gi-
ven in frankmarriage, and suf-
fer the land to be commixt and
mingled together with the o-
ther land whereof her father
dyed seised, so that an equal di-
vision may be made of the
whole between her and her si-
ster. And thus for her x. acres
she shall have xv. else her sister
will have the xx. acres of which
their father dyed seised.

Homage:

Homage.

HOMAGE in our booke is two fold, viz. Homagium ligeum, and that is as much as liegeance, of which Bracton speaketh, lib. 2. ca. 35. fo. 79. Soli Regi debetur sine dominio seu servitio: And the other is Homagium feudale, which hath his originall by tenure. In Fitzh. N.B. fol. 269. there is a writ for respecting of this latter homage, which is due by reason of the fee or tenure. But Homagium ligeum is inherent and inseparable, and cannot be respited. Homage by reason of fee or tenure is destined to be a service which shall be made in such manner, that is to say, the Tenant in fee simple or fee taile that holdeth by Homage, shall kneele upon both his knees ungirded, and the Lord shall sit and hold the hands of his Tenant between his hands, and the Tenant shall say, I become your man from this day forward of life and member, and of earthly honour, & to you shall be faithful and true, and shall beare to you faith for the lands that I claime to hold of you, saving that faith that I owe to our Lord the King, and then the Lord so sitting shall kisse him.

But how fealty shall be done, looke before in Fealtye.

And the Steward of the Lord may take fealty, but not Homage.

Homage.

HOMAGE en nostre livra est deux fold, cest adire, Homagium ligeum, & ceo est tant cōc liegeance, d' q Bract. parle, li. 3. ca. 35. fo. 79. Soli Regi debetur sine dominio seu servitio: Et laus est Homagium feudale, q ad son original p tenuer. En Fitz. N. B. fol. 269. la est un Brief pur respecture de cest darreine Homage que est due p reason del feud ou tenure. Mes Homagium ligeum est enherent & enseparable, & ne poit estre respectuus. Homagium ratione feodi, sive tenure, est define destre un service que serra fait en tiel maner, cestascavoire, le Tenant en fee simple ou fee taile que tient per homage, genulera sur ambideux genvies disincte, & le Seignior serra seate, & tiendra les maines son Tenant enter ses maines, & le Tenant dire, Ico devigne vostre home de cest jour en avant de vie & de member, & de terreine honour, & a vous serra foyal & loyal, & foy vous portera des terres que Ico claime de teñ de vous, salve de foy que Ico doy a nostre Seignior le Roy, & donq's le Seignior isint seant luy basera.

Mes comt fealtie serra fait, veies devant en Fealtie.

Et le Seneschal le Seignior poit prendre fealtie, mes nemy homage.

The Exposition of

Homage auncestrel.

Homage auncestrel est lou un hōc & ses ancestors d' tēps dont memorie ne courage, ont tenus la frē d' l' Seignior p' homage. Et si tiel Sñr ad receive homage, il est tenu d' acquiter le Tenāt vers tous auts Seigniors paramount luy, d' chescū man' service. Et si l' Tenant ad fait homage a son Sñr, & soit implead & vouchē le Seignior a garrantie, le Seignior est tenu de luy garrant, & si le Tenant perde, il recoūa en value vers son Seignior tant des terres que il avoit al temps de la vouchē, ou unques puis. Auxy si home q' tient son frē p' homage Auncestrel, alien le frē en fee, donq's l' alienēe ferā homage a son Sñr, mes il ne tiendra p' homage Auncestrel, pur ceq' que le continuance del tenancy en le sanke d' l' primer Tenant est discontinue.

Homefoken.

Homefoken, ou *Hamefoken*, hoc est, quietum esse d' Amerciamentis de ingressu hospiciorum violentē & sine licentiā. & contra pacem Domini Regis. Et quod teneatis placitū d' hūdi transgres. facta in Curia vestra, & in terris vestris.

Homicide ou Manslaughter.

Homicide ou Manslaughter est l' occider de un home feloniousment sauns malice prepañse. Il est auxy define

Homage auncestrel.

Homage auncestrel is where a man and his Ancestors of time out of mind, did hold their land of their Lord by Homage. And if such Lord hath received Homage, he is bound to acquit the Tenant against all other Lords above him, of every manner service. And if the Tenant hath done Homage to his Lord, & is impleaded, & voucheth the Lord to warranty, the Lord is bound to warrant him, & if the Tenant lose, he shall recover in value against the Lo. so much of the lands as he had at the time of the vouchē, or anytime after. Also if a man that holdeth his land by homage Auncestrel, alien the land in fee, then the alienē shall do homage to his Lord, but he shal not hoīd by homage Auncestrel, for that the continuance of the tenancy in the blood of the first Tenant is discontinued.

Homefoken.

Homefoken, or *hamefoken* that is, to be quit of Amerciaments for entering into houses violently and without licence, and contrary to the peace of the King. And that you hold plea of such trespass done in your Court, and in your land.

Homicide or Manslaughter.

Homicide or Manslaughter is the killing of a man feloniously without malice forethought. It is also defined

thus, Homicide is the killing of a man by a man. And if such killing be done by a Dog, or other thing, it is not properly called homicide, for it is called homicide of a man, and to kill, as the killing of a man.

Honour.

HONOUR, besides the general signification, is used specially for the most noble sort of Lordships, whereof other inferior Lordships or Manors doe depend by performance of customs and services, some or other, to those that are Lords of them: And it seemeth that there are no Honours but those which originally appertained to the King, yet they may afterwards be given in fee to Noblemen. The manner of creating of these Honours may in part be collected out of the Statutes of Anno 31. Hen. 8. cap. 5. where Hampton Court is made an Honour, and Anno 33. ejusd. cap. 37. & 38. whereby Ampthil and Grafton are likewise made Honours: and Anno 37. ejusd. cap. 18. whereby the King hath power given him by his Letters Patents to erect foure severall Honours of Westminster, Kingston upon Hull, S. Othies in Essex, and Dodington in Barkshire.

Hornegeld.

HORNEGELD, that is, to be quit of a certaine custome exacted by Tillage through all the land, as of whatsoever hozne Beast.

issint, Homicidium est hominis occisio ab hominē facta. Si autem a Canē, Bove, ou alia re, non dicitur pprie homicid: dicitur homicidium ab hominē, & cædo, quasi hominis cædium.

Honour.

HONOUR, pres le geñal signification est uſe ſpecialmēt p le plus noble ſort de Seignories, de que auter inferior Seignories ou Manors dependent per performance des customs & services, un ou auter al ceux que ſont Seigneurs d'eux: Et ſemble q̄ la ſont nuls Honours forsq; ceux que originalmēt appertinent al Roy, uncore ils poient en aſs eſtre done en fee al Noble-homes. Le manner del creation de ceux Honours poit en part eſtre collect hors des Statutes de *Ann. 31. Hen. 8. cap. 5.* lou Hampton Court eſt fait un Honour, & *Anno 33. ejusd. cap. 37. & 38.* per que Ampthil & Grafton ſont auxy faits Honours: & *Anno 37. ejusd. cap. 18.* per que le Roy ad poyar done a luy, p ſes Letters Patents, de erecte quater ſeveral Honours de Westminster, Kingston ſur Hul, S. Oſithes en Eſſex, & Dodington en Barkshire.

Hornegeld.

HORNEGELD, hoc eſt, quietū eſſe de quadā conſuetudē exacta p Tallagiū p totā ſtram, ſicut de quacūq; Beſtia cornuta.

Hospitallers.

The Exposition of

Hospitallers.

Hospitallers (*Hospitularii*) sont un ord^r d^s Chivalers primes founduo al Jerusalem, & appels Joannites ou Chivalers d^s S. Iohn de Icrusalem, & fueront appels Hospitallers, p^r ceo q^{il} ils edifie un Hospital al Jerusalem pur l' interteinment de ceux q^{il} veignent des tous parts del monde pur visiter les sacred lieux, & ils guardont & defend tiels Pilgrims en leur journeyes. Le Institution d^e cest order fuit primes allowe per Pape Gelasius 2. entour l'an 1118. Et ils avoyent mults privileges grauntus as eux, come immunities del payment des dismes, &c. Et pur ceux ils sont plusors foits mentions en nostre livers. Troverers leur privileges as eux reserves en lestar. de *Mag. Chart. cap. 37.* Et poies veier le droit des subjects le Roy vindicate d^e l' usurpation de leur jurisdiction p^r lestatute *West. 2. cap. 43.* Leur chiefe residence est ore en le Isle de *Melita*, usualment appel *Malta*, done as eux per le Emperour *Charles le cinquiem.* Et p^r ceo sont appels ore Chivalers de *Malta*. Tous les fres & biens d^e ceux Chivalers icy en Engleterre fueront mises en le disposition le Roy per lestatute de 32. Henr. 8. cap. 24.

Houseboote.

Houseboote est necessary mesure q^{il} le Lessee pur ans

Hospitallers.

Hospitallers (*Hospitularii*) are an Order of Knights first founded at Jerusalem, and called the Joannites or Knights of S. John of Jerusalem, and they are called Hospitallers, for that they built an Hospitall at Jerusalem for the intertainment of all such as from any part of the World came to visit the holy places, and did guard and protect such Pilgrims in their journeyes. The Institution of their order was first allowed by Pope Gelasius the second about the yere 1118. And they had many privileges granted unto them, as immunities from payment of tythes, &c. And for this they are often mentioned in our booke. You shall find their privileges reserved to them in the Stat. of *Mag. Chart. cap. 37.* And you shall see the right of the Kings subjects vindicated from the usurpation of their jurisdiction by the Sta. of *West. 2. c. 43.* Their chiefe abode is now in the Island of *Melita*, commonly called *Malta*, given them by the Emperour *Charles the fifth.* And for that they are now called Knights of *Malta*. All the lands & goods of these Knights here in England were put in the disposition of the King, by the Statute of 32. Hen. 8. cap. 24.

Houseboote.

Houseboote is necessary timber that the Lessee for yeres

or for life, of common right may take upon the ground to repaire the houses upon the same ground to him leased, although it be not exprest in the lease, and although it be a lease by word without deed. But if he take more than is needfull, he may be punished by an action of waste.

Hue and Crie.

Hue and Crie is a pursuit of one having committed felony by the high way, for if the party robbed, or any in the company of one that was murdered or robbed, cometh to the Constable of the next Towne, and willet him to raise Hue and Cry, or to make pursuit after the offender, describing the party, and shewing as nere as he can, which way he is gone, the Constable ought forthwith to call upon the Parish for aide in taking the felon, and if he be not found there, then to give warning to the next Constable, and he to the next to him, untill the offender be apprehended, or at the least untill he be so pursued to the sea side. Of this see Bracton, lib. 3. tract. 2. cap. 5. Smith de Repub. Angl. lib. 2. cap. 20. and the Statute of Winchester made Anno 13. E. 1. and the Statute of 18. E. 3. c. 11. & an. 27. El. c. 13.

Hundred.

Hundreds were divided by Alfred the King, after that he had divided the whole Realme into certaine parts by sections,

ou pur vie, de common droit poit pnder sur le fre, repaier les measons sur m le fre a luy lessa, nient obstant il ne soyt expresse e l' lease, & nient obstant il soit un lease per parols sans fait. Mes si ils prist plaisir q besoigne, il poit estre punish per un action de Waste.

Hue & Crie.

Hue & Crie est un pursue de un aiant comit felonie per le haut chemin, car si le partie rob, ou ascun en le compagnie de un q fuit murdr ou rob vient al Constable del prochein Villa, & luy comanda de faire Hue & Crie, ou de faire pursue puis l' offender, describant le partie, & cypres que il poit monstrans quel voy il est ale, le Constable doit immediatme de appeller sur le Paroche pur ayde en querance le Felon, & sil ne soit treve la, donque de doner garrin al prochein Constable, & il al prochein luy, ielsque l' offender soit apprehend, ou al meins ielsque il soit este pursue al latere de mere. De ceo veies Bract. li. 3. tract. 2. c. 5. Smith de Repub. Angl. li. 2. cap. 20. & lestatute de Winchester fait Anno 13. E. 1. & lestat. de 18. E. 3. ca. 11. & an. 27. El. ca. 13.

Hundred.

Hundreds fueront devisee par Alfred le Roy, apres que il ad divide l' entier Realme en certain parts ou sections. le
B b quel

The Exposition of

quel d le Saxon parol *Soyran* significat d scinder, il terme Shires, ou (sicōe nous uncore parle) Shares & Portions. Ceux Shires il auxy divide en petis parts, de queux ascuns fueront appellees Lathe, de le parol *Gelabian*, que est de asssembler ensemble a auters Tythings, issint nosme par ceo q la fueront en chescun de eux al number d dize psons, d que chescun fuit surety & pledge par auters bone behaviour. auters Hundreds, par ceo que ils containe jurisdiction sur un hundred homes or pledges, d murrant peradventure en deux ou trois, ou plus Paroches, Boroughs, ou Villes, esteaunt & adjoyntaunt nient meines pehine ensemble en le quel il appoint administration de Justice destre exercise severalement entre eux de meisme le Hundred, & nemy q l'un ira hors disordernt e l'aut Hundred, Lathe, ou Tything, en que il ne demuit. Ceux Hundreds continue a cest jour en force, nient obstant ne en tout al meisme le purpose, par que al primer ils fueront ordeines, uncore a ore mult necessarie, & en temps de pece par bone order de government divers voies & auxy en guerre p certaintie de levying de homes: Cōe autemāt par le plus speedie collections des payments graunt en Parliament a le Royes & Roygnes de ceo Reälme.

which of the Saxon word *Soyran*, signifying to cut, he termed *Shires*, or (as we yet speake) *Shires* and *Portions*. These *Shires* be also divided into smaller parts, whereof some were called *Lathe*, of the word *Gelabian*, which is to assemble together: others *Tythings*, so named, because there were in each of them to the number of ten persons, whereof each one was surety and pledge for others good abearing: others *Hundreds*, because they contained jurisdiction on over one hundred men or pledges, dwelling peradventure in two, or three, or more *Parishes*, *Boroughs*, or *Townes*, lying and adjoyning nevertheless somewhat nere together, in which he appointed administration of Justice to be exercised severally among them of the same Hundred, and not that one should ranne out disorderly to anothers Hundred, *Lathe*, or *Tything*, wherein he dwelleth not. These Hundreds continue to this day in force, although not altogether to the same purpose, whereunto as first they were appointed, yet still very needfull, both in time of peace for good order of government divers waies, and also in war for certaintie of levying of men: As also for the more ready collections of payments granted in Parliament to the Kings and Queenes of this Reälme.

Hundredum.

HVndredum, that is, to be quit of money or customes to be done to the Gouernours, and Wardens.

Hustings.

HVstings (Hustingum) is a Court of Common Pleas, held before the Mayor and Aldermen of London, and is the highest Court that they have, for error or attainnes there of a Judgement or false verdict in the Sheriffs Court, as it appeares by Fitzh. N.B. 21. H. &c. and by the Statute of 11. H. 7. cap. 21. And other Cities and Townes have had a Court of the same name, as Winchester, Lincoln, Poole, and Sheppy.

I.

Ideot.

IDeot is he that is a foole naturall from his birth, and knoweth not how to account or number twenty pence, or cannot name his father, or mother, nor of what age himselfe is, or such like easie & common matters, so that it appeareth he hath no manner of understanding of reason or Government of himselfe, what is for his profit or disprofit, &c. But if hee have so much knowledge that hee can reade, or learne to reade by instruction and in-

Hundredum.

HVndredum, hoc est, quietum esse de denariis vel consuetudinibus faciendis Praepositis & Hundredariis.

Hustings.

HVstings (Hustingum) est un Court de Common Pleas tenuis avant le Mayor & Aldermen de Londres, & est le plus hault Court que ils ont, car error ou attain gist la dun Judgement ou faux verdict en le Court le Viscount, come appiert per Fitz. N. B. 21. H. 7. &c. & per lestatute de 11. H. 7. cap. 21. Et autres Cités, & Boroughs, ont eu un Court de m le nome, come Winchester, Lincoln, Poole, & Sheppy.

I.

Ideot.

IDeot est celui q est un sot naturel de sa naissance, & ne scauoir de accomplir ou number xx. s., ne poit nommer son pere, ou mere, ne de quel age luy m est, ou tiel semblable plaine & common choses, issint que il appiert que il nad aucun manner de entendement de reason ne government de luy mesme, quel est par son profit ou disprofit, &c. Mes sil ad tant intelligence que il poit lier, ou apprehender de lier per instruction

The Exposition of

struction & information des auters, ou poit mesure un ulne de drape, ou nosme les iours en le semaigne, ou engender un enfant, fitz, ou fille, ou tiel semblable, per que il poit appeare, que il ad ascun lumen de reason, donques tiel nest Ideor naturalment.

Idemptitate nominis.

I*demptitate nominis* est un Briefe, & gist lou Briefe de dette, covenant, accompt, ou tiel semblable Briefe est port vers un home, & un auter que ad mesme le nosme come le Defendaunt ad, est pris par luy, donques il avera cest Briefe, per que le Viscount fra inquire devant le Justice assigne en mesme le Countie, si soit mesme le person ou nemy, & sil ne soit trove le parrie, donques il alera sans iour en peace.

Ieofoile.

I*eofoile* est quant les parties al ascun suit en pleadant ont a tant proceed que ils ayant ioine issue quel serra trie, ou est trie per un Jurie ou Enqst. Et cel pleading ou issue est cy malemt plede ou ioine que il serra error si eux proceed: Donque ascun del dits parties poit p leur counsel mēceco al Court auxibien apres verdict done & devant iudgmr, come devant l'urie soit charge. Le monstrans de quex defectes devant le Jurie charge, suit sovēr qnt le Jurie veigne al Court d

formation of others, or can measure an ell of cloth, or name the dayes of the weeke, or beget a childe, sonne, or daughter, or such like, whereby it may appeare that he hath some light of reason, then such a one is no Ideor naturally.

Idemptitate nominis.

I*demptitate nominis* is a writt and it lyeth where a writt of debt, covenant or account, or such other writt is brought against a man, and another that hath the same name as the Defendant hath, is taken for him, then he shall have this writt, by the which the Sherrife shall make inquiry before the Justice assigned in the same County, if he be the same person or not, & if he be not found to be the party, then he shall goe without day in peace.

Ieofoile.

I*eofoile* is when the parties to any suit in pleading have proceeded so far that they have joyned issue, which shall be tried, or is tryed by a Jury or Enquest. And this pleading or issue is so badly pleaded or joyned that it will be error if they proceed: Then some of the said parties may by their counsel shew to the court as wel after verdict given and before judgement as before the Jury be charged. The shewing of which defects before the Jury charged, was often when the Jury came into the

the Court to try the issue: then the counsell which shall shew it shall say, This inquest ye ought not to take. And if it be after verdict, then he may say, To judgement you ought not to go. And because by such many delays were in suits, divers Statutes are made to redresse them, as wel in the time of King H. 8. an 32. cap. 30. as in the time of Queen Eliz. wherof a man may say as the Civilians say, That although Constantine the Emperour commanded the formes of the Law to be cut off, yet the daily use of pleading doth seeme againe to recall them, or rather, some of them increase as the heads of Hydra. See also now a new Statute of Jeofailes made in 21 Jac. cap. 13.

Ietsam.

Ietsam is when a Ship is in perill to be drowned, and to disburden the Ship the Mariners cast the goods into the sea, and although afterward the Ship perish, and none of those goods called Ietsam, Floatsam, or Lagan, are called wrecke, as long as they remaine in or upon the sea, but if any of them are driven to land by the sea, there they shall be said wrecke, and passe by the graunt of wrecke, Coke lib. 5. fol. 106.

Vnlawfull assembly.

Vnlawfull assembly is where people assemble themselves together to doe some unlawfull

trier l'issue: donq's le counsel quel voic ceo m'e dirra, Cest enquest ne doit prend. Et si soit apres verdict, donques il poit dire, Al iudgment ne d'ves aller. Et pur ceo que per tiels mults deleies fueront en suits, divers Statutes sont faits de redresser ceo, auxy bien en temps de Roy Henr. 8. anno 32. ca. 30. come en le temps le Roygne Elizab. de queux home poit dire que les Civilians diont, *Quod tametsi Iuris formulas amputari jusserit Constantinus Imperator, quotidianus tamen forensis usus eas revocasse videtur, vel potius, quod crescunt ut Hydræ capita.* Veies auxy ore un novel Statute de Jeofailes fait en 21. Jac. cap. 13.

Ietsam.

Ietsam est quant un Niese est en peril destre merge, & pur disburden le Niese les Mariners ietta les biens en le mere, & puis nient obstant le Niese, perish, & nul de ceux biens que sont appel Ietsam, Floatsam, ou Lagan, sont appel wrecke, cy long come ils remaine en ou sur le mere: mes si aucun de eux sont mise al terre per le mere, donque ils seront dit wrecke, & passe per le graunt de wrecke, *Cok. lib. 5. fol. 106.*

Illoyal assembly.

Illoyal assembly est lou people eux assemble insimul pur faire illoyal chose

The Exposition of

encounter le peage, nient obstant que ils ne execut leur purpose en fait.

Impeachment de Waste.

Impeachment de waste (*Impetio vasti*) est tant adire cōc un demaund fait ou destre fait pur waste fait p un Tenāt q nād forsque un particular estate pur vie ou pur ans. Et pur ceo cestuy q ad tiel lease sauns impeachmēt de waste, ad p ceo un proprietie ou interest a luy done en les meases ou arbres, & poit faire waste en eux sans estre impeach pur ceo. cest a s̄cavoire sans estre question, ou ascun recompence de luy demaund, pur le waste fait. Veies *Co. l. ii. en Bowles case, f. 82. b.*

Implements.

Implements venūst ou del parol Francois (*Emploier*) ou del Latine (*Implere*) & cest use pur choses necessārie destre use en ascun trade ou mysterie, queux sont implies ē le practice del dit trade, ou sauns q x l' ouvrage ne poit estre accomplish. Et issint auxy pur le furniture del household, quibus impletur domus. Et en ceo sensē vous troveres le parol plusors foirs en darrenie volūts & auters conveyances d's moveables.

Impost.

Impost est un parol Francois que signifie tribute, mes ovenous est prise pur le taxe pay al Roy pur ascun merchan-

thing against the weate, although that they execute not their purpose indeed.

Impeachment of Waste.

Impeachment of Waste (*Impetio vasti*) is as much to say as a demand made or to be made of recompence for waste done by a Tenant that hath but a particular estate for life or years. And therefore he that hath such a lease without impeachment of waste, hath by that a property or interest given him in the houses & trees, and may make waste in them without being impeached for it, that is, without being questioned or demanded any recompence for the waste done. See *Co. li. ii. Bow. case, fo. 82. b.*

Implements.

Implements comes either from the French word (*Emploier* to employ) or from the Latine (*Implere* to fill up) and it is used for things of necessary use in any trade or mystery, which are employed in the practice of the said trade, or without which the worke cannot be accomplished. And so also for furniture of household with which the house is filled. And in that sense you shall finde the word often in wills and conveyances of moveables.

Impost.

Impost is a French word that signifies tribute, but with us it is taken for the tax that is paid the King for any merchan-

dize brought in into any haven from places beyond the seas. And it is used in the Statute of 31. Eliz. cap. 5. as a word of the same signification with customs which Merchants pay.

Imprisonment.

Imprisonment is no other thing but the restraint of a mans liberty, whether it be in the open field, or in the stocks, or cage in the streets, or in a mans owne house, as well as in the common Gaole. And in all these places the party so restrained is said to be a prisoner so long as he hath not his liberty freely to goe at all times to all places whither he wil, without baile or mainprise, or otherwise.

Incumbent.

Incumbent comes of the Latine (*Incumbere*) and signifies him that is presented, admitted and instituted to any Church or Benefice with cure, who is therefore called the Incumbent of that Church, because he doth bend all his study to the discharge of the cure there.

Indicavit.

Indicavit is a writ, and lyeth where debate is betweene two Clerkes in Court Christian of one Church, or part of a Church for tithes, which amounteth at the least to the value of the fourth part of the Church, & so that the patron of the Church of the Defendant

dize emport en aucun haire hors des lieux ouster le mere: Et est use en le Statute de 31. Eliz. cap. 5. come un Synonymon que custome & Merchants payont.

Imprisonment.

Imprisonment nest au chose forsque le restraint del libertie d'un homme, soit ceo en l'overt champs, ou e le cippes, ou cage en les estreets, ou en le proper maison d'un homme, ciben cee en le comon Gaole. Et e tous ceux lieux le particiffint restraîne est dit destre un prisonier cy longement come il nad son libertie frankment de ire a tous temps & lieux lou il voit, sans baile ou mainprise, ou autrement.

Incumbent.

Incumbent venist del Latine (*Incumbere*) & signifie cestuy que est present, admitt & institue al ascun Eglise ou Benefice ove cure, que est pur ceo apel l'Incumbent de ceo Eglise, eo quod incumbit ad curam animarum, ibid. omni studio.

Indicavit.

Indicavit est un Brieve, & gist lou debate est perentier deux Clerkes en Court Christian d'un Eglise, ou part de un Eglise pur tithes, que amount al meines a le value de la quart part del Eglise, & pur ceo que le patron del Clerke le Defendant perda

The Exposition of

son advowson, si le Clerke le Plaintif recouera, donques il avera Briefe direct al Clerke le Plaintif, ou al Officers del Court Christian, eux commaundant de cesser de lour plee, ielques il est discusse en Court le Roy a que l'advowson appent: Et cest Briefe serra enter quater persons, deux seront Patrons, & deux seront Clerkes. Mes cest Briefe nest retornable, mes ils ne cessont lour suit, il avera un attachment.

Indorsement.

Indorsement est ceo que est escrie sur le dorse dun escript, come le condition dun obligation est dit destre indorse, pur ceo que est escry sur le dorse del obligation.

Infangtheefe.

Infangtheefe, hoc est, que Latrones capti in dominico vel in feod vestro de latrocinis convicti, in Curia vestra iudicent.

Information.

Insformation pur le Roy est ceo q pur un common pson est appel un declaration, & nest touts foits fait directement per le Roy, ou son Attourney, mes per un autre home, *Qui tam pro Domino Rege, quam pro seipso sequitur*, sur le breach d'alcun penal Ley ou Statute, en que un penaltie est done al partie que voit fuer pur ceo, mes nul action de

dant shall lose his advowson, if the Clerk of the Plaintif shall recover it, he shall have a Writ directed to the Clerk of the Plaintif, or to the Officers of the Court Christian, them commaunding to cease their plea, until it is discuss in the R. Court to whom the advowson belongeth: & the Writ shal be between four persons, two shall be Patrons, and two shall be Clerkes: But this writ is not returnable, but if they cease not their suit, hee shall have an attachment.

Indorsement.

Indorsement is that that is written upon the backe of a deed, as the condition of an obligation is said to be indorsed, for that that is written on the backe of the obligation.

Infangtheefe.

Infangtheefe, that is, that Theeves taken within your demesne or fee consigned of thefts, shall be judged in your Court.

Information.

Information for the King is that which for a common person is called a declaration, and is not alwayes done directly by the King or his Attourney, but rather by some other man, Who sueth or informeth as well for himselfe, upon the breach of some penall Law or Statute. Wherein a penalty is given to the party that will sue for the same, but no action of debt

debt to recover it, then it must be had by information.

Ingrosser.

INgrosser comes of the french word Grosier, that is to say, one that selleth by whole sale. But in our Law an Ingrosser is one that buyeth Corne, Graine, Butter, Cheese, Fish, or other dead victuals, with an intent to sell the same againe. And so he is defined in the Statute of 5.E.6.ca.14. made against such ingrossing.

Inhibition.

Inhibition is a writ to inhibit a Judge to proceed further in the cause depending before him. See Fitzh. Nat. Brev. fol. 39. where he putteth prohibition and inhibition together. Inhibition is most commonly a writ issuing forth of a higher Court Christian, to a lower and inferiour, upon an appeale, Anno 24.Hen.8.ca.12. and prohibition out of the Kings Court of Record at Westminster, to a Court Christian, or to an inferiour temporal Court.

Injunction.

Injunction is an interlocutory decree out of the Chancery, sometime to give possession to the plaintife for defect of appearance in the defendant, sometimes to the ordinary Courts of the King, & sometimes to the Court Christian, to stay proceeding in a cause upon sug-

gesture pur recover ceo, donqil doit estre ewe p' information.

Ingrosser.

INgrosser venust del parol Francois Grosier, id est, Solidarius venditor. Mes en nostre Loie un Ingrosser est un q' achate Brees, Graine, Beurre, Fromage, Poisson, ou autre mort victuals ove un intent pur ceus vendre arere. Et issint il est define en lestatute de 5.E.6.ca.14. fait en counter tiel Ingrosser.

Inhibition.

Inhibition est un Briefe d' inhibir un Iudge de proceder ouster en le cause dependaunt devaunt luy. Veies Fitzh.N.B. fol. 39. ou il mitra prohibition & inhibition ensemble. Inhibition est puis communement un Briefe issuant hors d' un plus haut Court Christian, a un plus basse & inferiour, sur un appeale, An. 24. H.8.ca.12. & prohibition hors d' l Court le Roy de Record at Westminster, a un Court Christian, ou a un inferiour Court temporall.

Injunction.

Injunction est un interlocutorie decrees hors d' l Chancery, ascun foies, a done possession al plaintife, pur defect de appareance en le defendant, ascun foies al ordinary Court del Roy, & alc' foies al Court Christian, d' stop p' proceeding en un cause sur suggestion fait,

que le rigour del Ley fil prend
lieu, est cont equivy & con-
science en cel cas, veies West.
par. 2. tit. Proceedings in Chan-
cery, sect. 25.

Inmates.

INmates sont ceux persons
d'un family que sont prittes
pur venir & inhabiter en un
cottage ensemble ove un au-
ter family, pur que les povers
del Parish serront increases. Et
pur cco p lestatute d 31. Eliz.
cap. 7. la est un penaltie d dire
sous per mois impose p ches-
cun que recevra ou conti-
nuera tel Inmate.

Instant.

Insant, que est dist en La-
tine *instant*, & define p les
Logicians, *Primum indivisibile*
est tempus, quod non est tempus,
nec pars temporis, ad quod ta-
men partes temporis copulan-
tur, est mult consider en Ley:
& comme poit actualment de-
fic divide, unc est en conside-
rac & conceit divide & apply
al feual purposes, sicome fue-
ront severall temps, de quel
veies en Monsieur Plowdens
Commentaries en le case enter
Fulmerston & Stuard, lou le-
statute 31. H. 8. que enact, Que
si Abbe deins an devant cest
Statute lesta terre al un, que al
temps del seassance de mesme
le leste cyte mesme le terre al
seme pur terme de ans, donq
nient expire, que le Lessee
avra cest terre solement pur
vint un ans est expound.

gestion made, that if the rigour
of the Law take place, it is a-
gainst equity and conscience in
that case, see West. pt. 2. tit. Pro-
ceedings in Chancery, sect. 25.

Inmates.

INmates are those persons of
one family that are suffered to
come and dwell in one cottage
together with another family,
by which the poore of the Pa-
rish shall be increased. And
therefore by the Statute of 31.
Eliz. cap. 7. there is a penalty of
ten shillings a moneth set upon
every one that shall receive or
continue such an Inmate.

Instant.

Insant, id est, in Latine In-
stans, and defined by the Le-
gicians, A thing not dividable in
time, which is not any time, nor
part of time, to which yet the
parts of time are conjoynd, is
much considered in the Law: and
though it cannot be actually di-
vided, yet in consideration and
conceit may be divided & applied
to severall purposes, as if they
were severall times, whereof see
in Mr. Plowdens Commentaries in
the case between Fulmerston &
Stuard, where the Statute of
31. H. 8. which enacted, That if
an Abbot within a year before
the Statute had letten lands to
one who at the time of the ma-
king of that lease had the same
land to serve for a term of years,
then not expired, that the Lessee
should have that land onely for
twenty one years, is expounded.

And

And there it is debated, That when the Termor taketh the second lease, he surrenders his former terme which he had before, and so at the same time at the taking of the second lease, the former terme was expired, and so at one instant and time he had a former terme, and also the former terme was expired and determined. And in the case betwene Petit and Hales, he which killeth himselfe, till he be dead, commits not felony, and when he was dead, he was not in being, so that he might not be termed a felon, but at the instant is in the Law adjudged a felon.

And so there be many other cases in law, where the instant time, that is not dividable in nature, in the consideration of the mind and understanding of the Sages of the Law is divided, upon which arise many arguments of great wit and profound judgement.

Inrolment.

Inrolment is the registering, recording, or entering of any act or deed in the Chancery or else where, as of a Recognizance, a Fine, a Statute, or a Debt indented by the Statute of 27. Hen. 8. cap. 16. by which a freehold shall passe.

Intension.

Intension is a writ that lyes against him that enters after the death of Tenant in dower, or other Tenant for life, and

Et la est debate, Que quant Termor prend le second lease, il surrender son former terme que il avoit devant, & sic al mesme temps del prisel del second lease, il eut un former terme, & per le prisel del second lease, le former terme fuit expire, & issint al un instant & temps, il eut un former terme, & auxy le former fine fuit expire & determin. Et en l'case ent Petit & Hales, cestuy que occide luy mesme, tanque soit mort, ne fesoit felonye, & quaut fuit mort, ne fuit en esse, issint que poit estre dit felon, mes al instant est en Ley adjudge felon.

Et sont mults autres cases en Ley, lou l' instant temps, que est indivisible en nature, en consideration del meat, & entendement del Sages del Ley est divide, sur queux surde mults arguments de graund ingenie & profound judgement.

Inrolment.

Inrolment est le register, recorder, ou entrer d'aucun act ou fait en le Chancerie ou ailleurs, come d'un Recognizance, Fine, Statute, ou fait indent per lestatute de 27. Hen. 8. cap. 16. per que un franktenement passe.

Intension.

Intension est un Briefe que gist vers celuy que enter apres le mort Tenat en dower, ou aucun autre Tenat pur vie, & re-

The Exposition of

& tenust hors celuy en le reversion ou remainder. Et veies pur ceo *Fitzb. N.B. fol. 203.E.* Et chescun entry sur le possession le Roy est appel un Intension, come lou le heire le Tit le Roy est apres office, & devaunt liverie, ceo est dit un Intension sur l' Roy, come apiert en *Stamf. Prerog. fol. 40.* & mults autres livres.

Inventory.

INVENTORY est un catalogue ou recital en escript des routs les biens & chattels dun que est mort, ove le valuation deux per quater credible persons, le quel chescun Executor & Administrator doit exhibit al Ordinarie al temps appoint.

Joyntenants.

JOYNTENANTS sont lou deux homes vient a asc' fres ou tenements per un joynt title, come si home done fre a deux homes & lour heires.

Mes Tenants en common sont lou deux homes ont fres per several titles, ou per seoffment al deux a aver & tener l'un moytie al un & ses heires, & l'auter moytie al autre & ses heires, en tous ceux cascs nul de eux scavoit son several, cōc il sera dit apres.

Et nota, si sont deux ou trois Joyntenants, & un ad issue & devie, donq's cestuy ou ceux Joyntents q' survesq' avera l'entiertie per le survivor.

Mes si deux Joyntents sont

holds out him in the reversion or remainder. And see for that *Fitz. N.B. fol. 203.E.* And every entry upon the possession of the King is called an Intension, as where the heire of the Tenant of the King enters after office, and before livery, this is said an Intension upon the King, as appeares in *Stam. Prerog. fo. 40.* and many other bookes.

Inventory.

AN Inventory is a catalogue or recital in writing of all the goods and chattels of one that is dead, with the valuation of them by four credible persons, which every Executor and Administrator ought to exhibit to the Ordinary at the time appointed him.

Joyntenants.

JOYNTENANTS be where two men come to any lands and tenements by one joynt title, as if a man give lands to two men, and to their heires.

But Tenants in common be where two men have lands by severall titles, or by seoffment to two, to have and to hold the one halfe to one and his heires, and the other halfe to another & his heires, in all these cases none of them knoweth his severall, as it shall be said after.

And note well, if there be two or three joyntenants, & one hath issue and dyeth, then he or those joyntenants that overlive shall have the whole by the survivor.

But if two Joyntenants make

make partition between them by deed by agreement, then they be severall Tenants.

But if one Joyntenant grant that that belongeth to him to a stranger, then the other joyntenant and the stranger be Tenants in common.

And though two Tenants in common be seised throughtly and of the whole, and none knoweth his severall, yet if one die, the other shall not have the whole by survivor, but the heire of him that dyeth shall have the halfe.

And so if there be three joyntnants, & one of them maketh a feoffment of his part to another, and the feoffee dyes, then his heire shall have the thirde part, and the other two be Joyntnants as they were, because that they two be seised by one joynt title.

Also if lands be given to the baron & to his wife, and the husband alieneth and dies, the wife shall recover the whole: But if they were joyntnants before the covenant, then in such case she shall recover but the halfe.

Also if land be given to the husband & to his wife, & a thirde person, if the thirde person grant that that belongeth to him, the one halfe passeth by this grant, for that that the baron and his wife be but one person in the Law, and in this case they have nothing in right but the halfe.

Also if two Joyntnants be of lands in a Town that is Borough English, where land is divisible, and one by his Testa-

ment enter eux per fait p agreement donqs ils sont severall tenants.

Mes si un Joyntenant grant c' q a luy appent, a un estrange, donqs l' auf Joyntenant & l' estrang' sont Tenaunts en common.

Et mesque deux Tenaunts en common sont seise per my & per tout, & nul conust son severall, unc' si un devie, laut ne aua lentierte per survivor, mes l'heire de celuy q devie aua le moitie.

Et issint si sont trois Joyntnants, & un de eux fait feoffment de son part a un autre, & le feoffee devie, donques son heire aua le tierce part, & les autre deux sont Joyntnants come ils fueront, pur ceo que eux deux sont seises per un joynt title.

Auxy si terre soit done al baron & sa feme, & le baron alien & devie, le feme recouvrera lentierte: Mes si ils fueront Joyntnants devant le couverture, donqs en tiel case il recouvrera forsque le moitie.

Auxy si terre soit done al baron & sa feme, & al tierce person, si le tierce person graunt ceo q a luy appent, la moitie passa per cel grant, pur ceo q le baron & sa feme sont forsque un person en le Ley, & en cest case ils nount en droyt forsque le moitie.

Auxy si deux Joyntnants sont des fres en Ville que est Borough English, lou terre est divisible, & l'un p son Testament

The Exposition of

ment devisa ceo que a luy appent, a un estranger, & devie, cest devise est void, & l'auter avera l'entier per survivre, pur ceo que le devise ne poit prendre effect ranque apres le mort le Devisor, & immediate apres le mort le Devisor, le droit devient al autre loytenant per le survivre, le quel ne elaine riens p le Devisor, mes en son droit demesne per le survivor. Mes autrement est de pereeners seises des fres devisables, *Causa qua supra.*

Journies accounts.

Journies accounts (*Dietæ computatæ*) est un terme en le Ley que est use en cest maner : Si un Brieve soit abate sans le default le Plaintife ou Demandant, il poit ore purchase un novel Bre, que si soit purchase p Journies accounts (cesta scavoire, deins cy petite temps cõe il poit apres l'abatement d'l primer Bre) donque cest second Bre serra cõe un continuance del prim Bre, & issint oustera le Tenant ou Defendant de son voucher, Plea de non tenure, Joyntenancy pleinnit administer, &c. ou ascun aut plea que accrue sur matter apres le date d'l prim Brieve. Et quinze jours ont estz reputes un convenient temps pur le purchase d'l novel Brieve. Veies pur cest Brieve p Journies accounts, *Spensers case, Cok. lib. 6. fol. 9. b.*

ment deviseth that that belongeth to him, to a stranger, and dieth, this devise is voyde, and the other shall have the whole by survivor, for that the devise may not take effect till after the death of the Devisor, and immediately after the death of the Devisor, the right cometh to the other Joyntenant by the survivor, the which claimes nothing by the Devisor, but in his owne right by the survivor. But otherwise it is of pereeners seised of lands devisable, *causa qua supra.*

Journies accounts.

Journies accounts (*Dietæ computatæ*) is a terme in the Law, which is used in this manner : If a writ be abated without the default of the Plaintife or Demandant, he may now purchase a new writ, which if it be purchased by Journies accounts (that is to say, within as little time as hee possibly can after the abatement of the first writ) then the second writ shall be as a continuance of the first writ, & so shall ouste the Tenant or Defendant of his voucher, Plea of Joyntenure, Joyntenancy fully administered, &c. or any other plea which arises upon matter hapning after the date of the first writ. And fifteen dayes have been held a convenient time for the purchase of the new writ. See for this writ by Journies accounts, *Spensers case, Cok. l. 6. fol. 9. b.*

Ioynture.

Ioynture is an estate and assurance made to a woman in consideration of marriage, for term of her life, or other wise, as is mentioned in the Statute of 27. H. 8. cap. 10. whether it be before or after the marriage; and if it be after the marriage, then she may at her liberty after the death of her husband refuse to take or have the lands so assured for her ioynture, and demand her dower at the common Law, but if it be made before marriage, then she may not refuse such ioynture, nor have dower according to the common Law: unless that when she bringeth her writ of dower the Defendant pleadeth such a plea that will not barre her of her dower, then she shall be endowed: As if he say in bar, that her husband was not seised of such estate whereof she might be endowed, or any such plea, and doth not shew that she hath a ioynture made, &c. and therefore demandeth judgement of that action or judgement, if she shall be also endowed, or any such like plea, &c. And this was the opinion of the right worshipfull Master Brograve at his Reading in Grays Inn in Summer, an. 1567. 18. El. upon a branch of the Statute made 27. H. 8. cap. 10. concerning ioyntures and dowers.

And by him of those things whereof a woman may be endowed, she may have ioynture,

Ioynture.

Ioynture est un estat & assurance fait al un feme en consideration de Marriage, pur terme de sa vie, ou autrement, come est mention en l'estatute 27. Hen. 8. cap. 10. soit il devant ou apres le mariage: Et si soit apres le mariage, donques el poit a sa libertie apres le mort de sa baron refuser de prendre ou aver les terres ainsi assurees pur sa ioynture, & demand sa dower a le common Ley, mes si il soit fait devant mariage, donques el ne poit refusee tel ioynture, ne aver dower accordant al common Ley, si non que quant el port sa Brieve de dower, le Defendant pleade tel plea que ne veyle luy barrer de sa dower, donques el sera endowe: Sicome il dit en Barre, que sa baron ne fuit seise de tel estat de que el doit estre endowe, ou aucun tel plea, & ne monstre que el ad un ioynture fait, &c. & pur ceo demand judgement de tel action ou judgement, si el sera auxy endow ou aucun tel semblable plea, &c. Et ceo fait l'opinion de le droit worshipful Monsieur Brograve al son lecture en Grays Inn en Summer, an. 1567. 18. El. sur un branch del Statute fait an. 27. H. 8. cap. 10. concernant ioyntures & dowers.

Et p luy de ceux choses de que un feme poit estre endowe, el poit aver un ioynture, come
de

The Exposition of

de Mines, *Vesturam terræ*,
Boys, Villes, Isles, Meadowes,
& tiels semblables. Item d'un
Adwoson, d'un Reversion d'
pendant sur un estate pur vie,
d'un Windmil, un hault cham=
ber, un Rectory, & tiels autres,
& ils sont appels tenements.
Item d'un Villein, car il est he=
reditament: & de tous ceux
profit poyt veni al feme. Mès
de ceux choses de que nul pro=
fit poyt venir, mès pl^o rait un
charge, un joynture ne poyt
estre fait. Veies pur c' matter
Co. li. 4. fol. 1. Vernons case.

Juris utrum.

Juris utrum est un Brieft que
gist pur le succesor Incum=
bent d'un Benefice pur recover
les terres ou tenements apper=
teinants al Eglise, que fue=
ront aliens p son predecessor.
Et veies de ceo *Fitz. N. B. fol.*
*48. R. & veies a p^o tit. *Juris*.*

Justicies.

Justicies est un Brieft que est
direct al Viscount pur l' dis=
patch del justice en ascuns spe=
cial cases & son County Court,
des queux il ne poit p son or=
dinarie poier tener plea la. Et
de ceo pois veier presidents
en *Fitz. N. B. fol. 117. C.* en
Account, & *fol. 152. B.* en An=
nuity, & *fol. 119. G.* en Det, &
plusors autres. Et est appel un
Justicies, pur ceo que est un
commission al Viscount ad ju=
sticiandum aliquem, & ne re=
quire ascun retourne ou certifi=
cate de ceo que il ad fait.

as of Mines, *Vesturam terræ*,
woods, Townes, Isles, Mea=
dows, and such like. Also of an
Adwoson, of a Reversion de=
pending upon an estate for life,
of a Windmill, an high Cham=
ber, a Rectory, and such other,
and they are called tenements.
Also of a Villaine, for he is an
hereditament: and of all these
profit may come to the woman.
But of those things whereof
no profit will come, but rather a
charge, a joynture cannot be
made. See *Cok. li. 4. fol. 1. Ver=
nons case.*

Juris utrum.

Juris utrum is a writ that lies
for the succeeding Incumbent
of a Benefice to recover the
lands or tenements belonging
to the Church, which were alien=
ed by his predecessor. And see
of this *Fitz. N. B. fol. 48. R.* and
see after in the title *utrum*.

Justicies.

Justicies is a writ which is di=
rected to the Sheriffe for the
dispatch of justice in some spe=
cial cases in his County Court,
of which he cannot by his ordi=
nary power hold plea there. And
of this you may see presidents
in *Fitz. N. B. fol. 117. C.* in Ac=
count, and *fol. 152. B.* in An=
nuity, and *fol. 119. G.* in Debt,
and many others. And it is cal=
led a *Justicies*, because it is a
commission to the Sheriffe to
doe a man right, and it requires
no retourne or certificate of that
that he hath done.

Justice

Justice seat.

Justice seat is the highest Court that is held in a Forest; and it is alwayes held befoze the Lord chiefe Justice in Eyre of the Forest. And it is not held but upon warning 40. dayes befoze. And there the judgements are alwayes given, & the fines set for offences that were presented at the Courts of Attachments, and the offenders indicted at the Swanimotes. See concerning this Court Manw. For. Lawes, ca. 24. f. 238. b.

Justice seat.

Justice seat est le plus hault Court q̄ est tenu en un Forest, & est tous réps tenu devant le S^r chiefe Justice en Eyre del Forest. Et nest tenu fors q; sur un summons p 40. jours devant. Et la les judgements sont tous foits dones, & fines asselles pur offences q̄ fueront presents as Courts d^l Attachments, & les offenders indicts as Swanimotes. Veies de cest Court Manw. Forest, Leyes, cap. 24. fol. 238. b.

L.

Theft.

Theft is a wrongfull taking away of another mans goods, but not from his person, with a mind to steale the against his will whole goods they were.

And theft is in two sorts, the one so called simply, and the other petit or little theft.

The first is where the thing stolne exceeds the value of xij. ^d. and that is Felony.

The other (which is called little or petit Theft) is where the thing stolne doth not exceed the value of xij. ^d. and that is not Felony.

Laches.

Laches or Laches is as some thinke, an old French word that signifies slacknesse or negligence, and true it is that that is the signification of it, as it ap=
C c

L.

Larcenie.

Larcenie est un tortio^s prisel d^s biens d^s un auf hōc, mes nemy d^l son pson, ove un ment d^s eux embl^s, enconf^s son volunt q̄ biens ils fueront.

Et Larcenie est d^s deux sorts, l^r un issint appell simplemēt, & l'auter petit Larcenie.

Le prim est lou le chose emblee exceeda l^r value de xii. ^d. & ceo est Larcenie.

Le auf (que est appel petit Larcenie) est lou le chose emblee ne exceeda le value de xii. ^d. & ceo nest Felonie.

Laches.

Laches ou Lasches est come semblee as ascuns un viel pol Francois, q̄ signifie negligence, & voier est q̄ ceo est le signification d^l pol, cōc appi=
C c

The Exposition of

ert en *M. Littl. sect. 403. & 726.*
lou Laches del entrie nest ri-
ens fors q̄ un neglect en l' in-
fant pur ent. I sint q̄ moy sem-
ble que poit estre un vieux pa-
rol Anglois. Et q̄nt nous dio-
mus, icy est Laches dentrie,
est tant adire, come icy est
lacke del entrie. Et uncore Ieo
trouve que (*Lascher*) en Fran-
cois est laxare, & (*Lasche*) sig-
nificat ignavum vel flaccidū :
& pur ceo poit vener auxy d'l
Francois. Car Erymologies
sont divers, & plusors foits
ad placitum.

Lagan.

Lagan est tiel parcel d's biens,
cōeles Mariners é le peril
del naufrage jectont hors del
niese, & pur ceo que ils scavoient
que les biens sont ponde-
rous, & voilont sinke, ils liont
as eux un boy ou corke, al in-
tent que poient eux trover &
reaver. Si apres le niese soit
merge, ou autermt perish, ceux
biens sont appels Lagan ou
Ligan à *ligando*, & cy longermt
cōe ils continne sur le me. e, ils
apperteinont al Admiral, mes
sils sont jects sur le fre, adonq̄
ils sont appels wrecke, & ap-
perteinont a celuy que avoit le
wrecke, come appiert en *Cok.*
lib. 5. fol. 106.

Lapse.

Lapse (*Lapsus*) est l' omis-
sion del patron pur pre-
senter al Esglise de son patro-
nage deins sixe moys apres
voydance per mort ou prisel

peares, *M. Littl. sect. 403. & 726.*
where Laches of entry is no-
thing else but a neglect in the in-
fant to enter. So that I thinke
it may be an old English word.
And when we say, There is La-
ches of entry, it is as much as
to say, There lacke is of entry,
or there is lacke of entry. And
yet I finde that (*Lascher*) in
French is to loyter, and (*Lasche*)
signifies one that is idle or la-
zie: and therefore it may also
come from the French. For E-
rymologies are divers, and ma-
ny times *ad placitum.*

Lagan.

Lagan is such a parcell of
goods as the Mariners in a
danger of shipwreacke cast out of
the ship, and because they know
they are heavie and will sinke,
they fasten to them a boigh or
corke, that so they may finde
them, and have them againe.
If after the ship be drowned,
or otherwise perith, these goods
are called Lagan or Ligan à
ligando, and so long as they
continue upon the sea, they
belong unto the Admirall, but
if they be cast upon the land,
they are then called a wrecke,
and belong to him that hath the
wrecke, as it appeares in *Coke,*
lib. 5. fol. 106.

Lapse.

Lapse (*Lapsus*) is the omis-
sion of a patron to pre-
sent to a Church of his patro-
nage within sixe moneths after
an aboirdance by death, or taking
of

of another Benefice without qualification, or notice to him given of the resignation or deprivation of the present Incumbent, by which neglect title is given to the Ordinary to collate unto the said Church.

Lastage.

Lastage, that is, to be quit of a certaine customs exacted in Fairs & Markets, for carrying of things where a man will.

Latitat.

Latitat is a writ by which all men's personall actions are originally called into the Kings Bench to answer. And it is called a Latitat, because it is supposed by the Court that the Defendant cannot be found in the County of Middlesex, as it appears by the returne of the Sheriffe of that County, but that he lurks in another County, and therefore to the Sheriffe of that County is this writ directed to apprehend him.

Law-day.

Law-day signifies a Leet or Sheriffes tourne, as it appears by the Statute of 1. E. 4. ca. 2. where the Sheriffes tourne is so called, & 9. H. 7. fol. 21. b. and many other bookes where a Leet is so called: See Smiths Common-wealth, lib. 2. cap. 21.

Leases.

Leases be grants or demises by one that hath any estate in any hereditaments, of those

del autre Benefice sans qualification ou notice a luy done del resignation ou deprivation del present Incumbent, per que neglect title acrué al Ordinarie pur collater al dit lesglise.

Lastage.

Lastage, hoc est, quietum esse de quadam consuetudin' exacta in Nundin' & Mercat' p rebus cariandis ubi home vult.

Latitat.

Latitat est un Briefe per q tous homes en personall actions sont originalmt appels en Bank le Roy de respondr. Et est appel un Latitat, pur q q est suppose p le Bfe q le Defendant ne peut estre trové en le Countie del Middlesex, cõe appiert p le retourne del Viscount d ceo Countie, mes q latitat en autre Countie. Et pur ceo al Viscount de ceo Countie est cest Briefe direct pur luy prender.

Law-day.

Law-day signifie un Leet ou tourne del Visc' cõe appiert per lestatute 1. E. 4. ca. 2. lou le tourne le Viscount est issint appel, & 9. Henr. 7. fol. 21. b. & plusors auters lius lou un Leet est issint appel: Veies Smith de Repub. Anglorum, lib. 2. cap. 21.

Leases.

Leases sont graunts ou demises per un que ad aucun estate en hereditaments, d ceux
C c 2

The Exposition of

hereditamēts al aut pur meind
temps, & c' sont en diūs man-
ners, cestascovoire, pur term d
vie, pur fme d' ans, pur terme
d' aut via, & a volunt.

Auxy un lease d' ēre & auxy
bone sans fait, come p fait.

Mes en un lease pur fme de
vie, il cōvient de don liūie &
seisin sur le terre, ou auter-
ment riens passera p l' grant,
pur ceo que ils sont appellees
frankenements.

Auxy un lease de un Com-
mon ou rent ne poit este bone
sans fait.

Mes de un Parsonage q ad
glebe, il est bone sans fait, pur
ceo que le glebe de l' Esclise
q est l' principal, poit assers
bien passer sans fait, & issint
les dismes & offerings q sont
cōe accessorie al Esclise.

Mes dismes & offerings per
foy, ne poient este lesses sans
fait, ut dicitur.

Leet.

Let est un Court derive
hors d' l' turne l' Viscount,
& inquire des tous offences
south le degree de hault trea-
son q x sont cōmises encounē
le corone & dignitie le Roy.
Mes ceux offences queux sont
punies per perde de vie ou
member, sont solement inqui-
rables la, & destre certifies
ouster as Iustices del Assise.
Veies Stat. I. E. 3. ca. 17.

Legacie.

Legacie (*Legatum*) est un fme
del civil ley, & est ceo que

hereditaments to another fōz a
lesser time, and they be in diuers
manners, viz. fōz terme of life,
fōz terme of yēres, fōz terme of
anothers life, and at will.

Also a lease of land is as good
without deed as with deed.

But in a lease fōz terme of
life, it behobeth to give libery
and seisin upon the land, or else
nothing shall passe by the grant,
because that they be called free-
holds.

Also a lease of a Common
or rent may not be good with-
out deed.

But of a Parsonage that hath
glebe, it is good without deed, fōz
that the glebe of the Church
which is the principall, may wel
enough passe without deed, and
so the dismes & offerings which
be as accessory to the Church.

But dismes and offerings by
himselfe may not be let without
deed, as it is said.

Leet.

Let is a Court deribed out
of the Sheriffs turne,
and inquireth of all offences
under the degree of high trea-
son that are committed against
the crowne and dignity of the
King. But those offences which
are to be punished with losse of
life or member, are onely inqui-
rable there, and to be certified
ouer to the Iustices of Assise.
See Stat. I. E. 3. cap. 17.

Legacie.

Legacie (*Legatū*) is a terme of
the civil law, & it is that that
was

See in our Law call a **Devise**, viz lands or goods given unto any man by the will or testament of another. See more tit. Devise before.

nous en nostre Ley appellom^s un Devise, viz. fies ou biens done al asc^s p le volunt ou testam^t dun auf. Veies plus tit. Devise devant.

Lessor or Lessee.

Lessor & Lessee.

Lessor is he that letteth lands or tenements to another for terme of life, years, or at will: And he to whom the lease is made, is called Lessee.

Lessor est celuy que lessa terres ou tenements al auf pur terme de vie, ans, ou a volunt: Et celuy a que le lease est fait, est appel Lessee.

Levant and Couchant.

Levant & Couchant.

Levant and Couchant is said when the beasts or cattell of a stranger are come into another mans ground, and there have remained a certaine good space of time.

Levant & Couchant est dit quant les beasts ou cattell d'un estranger sont venue en le terre d'un auter home, & la ont remaine un certaine bone space de temps.

Levari facias.

Lev.ri facias.

Levari facias is a writ directed to the Sheriffe for the levying of a summe of money upon the lands, tenements, and chattels of him that hath forfeited a Recognisance. See Fitz.N.B. fol. 265. D.

Levari facias est un B^re direct al Viscount pur le levier dun sum des deniers sur les terres, tenements, & chartels cestuy que ad forfeit un Recognisance. Veies Fitz.N.B. fol. 265. D.

Law.

Ley.

Law is when an action of debt is brought against one upon some secret agreement or contract had betweene the parties without especialty shewed, or other matter of record, as in an action of Detinue for some goods or chattels lent or left with the Defendant, then the Defendant may wage his Law, if he will, that is to say, so swear upon a booke, and certaine persons with him, that he detaineth

Ley est quant action de det est port vers un sur ascun secret agreement ou contract ew perenter les parties sauns especialtie monstre, au auter matter de record, come en un action de Detinue pur ascuns biens ou chartels accomoda ou relinq ove le Defendaunt, donqs le Defendant poit gager son Ley, sil voile, cestafcavoire, de jurer sur un lieur, & certaine psons ove luy, que

The Exposition of

il ne deteine les biens, ou doit riens al Plainf, en manner & forme come il ad declare.

Et cest allowe solement en cases de secrecie, ou le Plain-tife ne poit prover le surmise de son suit per ascun fait, ou overt action le defendaunt poit ceo discharge secretment perenter eux, sans ascū escript de acquittance ou publiq act. Et pur ceo en action de dette sur un lease pur terme de ans, ou sur arrerages de accompt devant Auditors assign, home ne gagera son Ley.

Mes quant un gagera son Ley, il amesnera ovesq luy 6. 8. ou 12. de ses vicines, come le Court luy assignera, de jurer ovesque luy, maulk semble al serement que ceux fesoient que sont uses en le civil Ley, de purger auters de asc' crime al eux impute, que sont appel compurgators.

Nota que l' offer de faire le serement est appel le gager del Ley, & quant il est accomplish, donques est appel le fessans del Ley.

Et auxy si le Viscount en ascun action retourne que il eit summon le Defendaunt d' appare en Court a ascun jour a respond le Plainfise, a quel jour il fait default, Proceffe ferra agard vers luy de vener & save, ou excuse son default: que est a tant adire, come a purgare moram, ou auterment de pder le chose demand: Et donques le Defendaunt vient & voiet jure que il ne

not the goods, or osweth nothing to the Plainfise, in manner and forme as he hath Declared.

And it is allowed only in cases of secrecy, where the Plain-tife cannot prove the surmise of his suit by any deed or open act: for the Defendaunt might discharge it privily between them without any writing of acquittance or publike act. And therefore in an action of debt upon a lease for terme of years, or upon arrerages of accompt before Auditors assigned, a man shall not wage his Law.

But when one shall wage his Law, he shall bring with him vi. viij. or xij. of his neighbours, as the Court shall assigne him, to swear with him, much like unto the oath which they make which are used in the civil Law, to purge others of any crime laid ag'inst them, which are called compurgators.

Note that the offer to make the oath is called wager of Law, and when it is accomplished, then is it called the doing of your Law.

And also if the Sheriffe in any action retourne that he hath summoned the Defendaunt to appeare in Court at any day to answer the Plainfise, at which day he maketh default, Proceffe shall be awarded against him to come and save, or excuse his default: which is as much to say, as to excuse the delay, or otherwise to lose the thing demanded: and then the Defendaunt cometh, and will swear that he
was

was not summoned, which is called waging of Law, then he ought to doe it at the day assigned with xij. others: and in doing of his Law, he ought upon his oath to affirm directly the contrary of that which is imputed to him: But the others shall not say but that they think that he saith the truth.

Libell.

Libell (*Libellus*) is a terme of the civil Law, and signifies with them the originall declaration in any action, and so it is used in the Statutes of 2. H. 5. cap. 3. & 2. E. 6. ca. 13. And an infamous libel signifies properly in our Law a scandalous report of any man unlawfully published in writing. See of that *Cok. lib. 5. fol. 125. a.*

Liberate.

Liberate is a warrant issuing out of the Chancery to the Treasurer, Chamberlains, and Barons of the Exchequer, or Clerke of the Hamper, &c. for the payment of any yearly pension or other summe granted under the great Seale, *Regist. Orig. 193.* Sometimes to the Sheriffe, &c. *Fitz. N. B. fol. 132.* for the delivery of lands or goods taken upon forfeiture of a Recognizance, *F. N. B. 131. 132. Cok. lib. 4. Fulwoods case, fol. 64. 66. 67.* It is also to a Gaoler from the Justices for the delivery of a prisoner that hath put in baile for his appearance.

fuit summon, que est appel gager de Ley, donques il doit ceo faire al jour assigne ove xii. auters: Et en faisant del Ley il doit sur son serement affirmer directment al contraire de ceo que est impute a luy, mes les auters ne dirra, mes que eux entende que il dit le veritie.

Libel.

Libel (*Libellus*) est un fme del civil Lee, & ove eux signifie l'original declaration en aucun action, & ainsi est use en lestatutes 2. *Hen. 5. cap. 3. & 2. E. 6. cap. 13.* Et famosus libellus signifie ppoint en nostre Ley un scandale report d'un home illoyalment publye en escript. Veies d'ceo *Cok. lib. 5. fol. 125. a.*

Liberate.

Liberate est un Garrant issuant hors del Chancerie al Treasurer, Chamberlains, & Barons del Eschequer, ou Clerke del Hamper, &c. pur le payment d'un annual pension ou autre summe grauntus fourth le grand Seale, *Regist. Orig. 193.* Ou aucun foits al Viscount, &c. *F. N. B. fol. 132.* pur le deliverie d' terres ou biens prise sur forfeiture d'un Recognizance, *Fitz. N. B. 131. 132. Cok. lib. 5. Fulwoods case, fol. 64. 66. 67.* Il est auxy a un Gaoler del Justices pur le deliverie d'un prisoner q' admitta eins baile pur son appearance.

The Exposition of

Libertate probanda.

Libertate probanda, vidē de ceo en le title de *Nativo habendo*.

Ligeance.

Ligeance est un voif & loy-
al obediēce dī subject due
à son Souveraigne ; & cest lige-
ance, que est un incident inse-
parable a chesc' subject est en
quat maners ; le primer est
natural, le second acquirus, le
tierce local, & le quart legal :
De tous quux vous poies lier
mult bone erudition en *Coke*,
lib.7. Calvins case.

Limitation.

Limitation est un assignment
d' space ou temps, deins
quel cesty q̄ voil' fuer p̄ alguns
terres ou hereditaments, doit p-
ver que il ou son auncestour
fuit seisie del chose demaund,
ou autrement ne maintiendra
son suit ou action, quel as-
signments sont faits per di-
vers Statutes, & arreinement p
32.H.8.cap.2.

Liverie de seisin.

Liverie de seisin est un ce-
remonie use en convey-
ance de terres ou tenements,
lou un estare en fee simple, fee
taile, ou un franktenement pas-
sera : Et il est un testmoigne
de le voluntary departing per
luy q̄ fait le liverie del chose
de que le liverie est fait : Et le
receit del liverie est un vo-
luntarie acceptance per l' au-

Libertate probanda.

Libertate probanda, looke for
that in the title of *Nativo
habendo*.

Ligeance.

Ligeance is a true & faithfull
obedience of the subject due
to his Souveraigne ; and this li-
geance, which is an incident to-
separable to every subject is in
four manners : the first is na-
turall, the second acquired, the
third local, and the fourth legal :
Of all which you may reade
much excellent learning in *Cok*.
lib.7. Calvins case.

Limitation.

Limitation is an assignement
of a space or time, within
which hee that will sue for any
lands or hereditaments, ought
to prove, that he or his ancestour
was seised of the thing deman-
ded, or otherwise he shall not
maintaine his suit or action,
which assignments be made by
divers Statutes, whereof the
last was Anno 32.Hen.8.cap.2.

Livery of seisin.

Livery of seisin, is a ceremony
used in conveyance of lands
or tenements, where an estate
in fee simple, fee taile, or a fra-
hold shall passe : And it is a te-
stimoniall of the willing depar-
ting by him who makes the li-
very from the thing whereof li-
very is made : And the receyving
of the livery is a willing accep-
tance by the other party of all
that

that whereof the other hath dismissed himselfe: And was invented as an open and notorious thing, by meanes whereof the common people might have knowlledge of the passing or alteration of estates from man to man, that thereby they might be the better able to try in whom the right and possession of lands and tenements were, if they should bee impannelled in Juries, or otherwise have to doe concerning the same.

The common manner of delivery of seisin is after this sort done: If it be in the open field where is no building or house, then one that can readeth taketh the writing in his hand, if the estate shall passe by deed, and declareth to the standers by the cause of their meeting there together, &c. and then openly readeth the deed, or declareth the effect thereof in English, and after that is sealed, the party who is to depart from the ground, taketh the deed in his hands together with a clod of the earth, and a twigge or bough, if any be there, and all this he delivereth to the other party in the name of possession or seisin, according to the forme and effect of the deed, which befoze them was there read or declared. But if there be a dwelling house or building upon the land, then this is done there at the doore of the same, none being left at that time within the house, and the party delivereth all the aforesaid, to-

ter partie, de tout ceo de que auter ad luy dismisie: Et fuit invente come un overt & notorius chose, per meanes de que le common people poyent auter intelligeance de passing ou alteration de estates de hōe al home, que per ceo ils poyent estre le meliour able pur trier en que le droit & possession de t̄res & tenemēts fueront, ils doient estre empanel en Jures, ou autrement ont a faire concernant ceo.

Le common manner de liverie de seisin est en cest sort fait: Si il soit en l' overt champpe ou ne sont edifices, ou meason, donques un que poit lye, prist le fait en son maine, si lestate passera per fait, & declara al eux que la sont, le cause de lour vener la ensemble, & donques overtment lye le fait, ou declare l' effect de ceo en Anglois, & apres que il est seale, le partie que est a departer ove le terre, prist le fait en sa maines ensemble ovesque un clod del terre, & un twigge ou bough, sil y ad aucun la, & tout ceo il deliver al auter partie en le nosme de possession ou seisin, accordaunt al forme & effect del fait, que devant eux suit la lye ou declare. Mes sil soit un habitation ou edifice sur le terre, donques ceo est fait la a doore de ceo, nul esteant relinquiſt a cest temps deins le meason, & le partie deliver tout les avantdits, ensemble

The Exposition of

semble ovesque l'annuel de le doore en nosme de seisin ou possession, & il que receiva le liverie entra primes sole, & shutta le doore, & presentment overt ceo, & lessa eux eins, &c. sil soit de un meason a que est nul terre, le liverie est fait, & possession prise per le deliverie del annuel de le doore, & fait solement. Et lou il est sans fait de terres ou tenements, la le partie declare per parol devant tesmoins, l'estate ovesque il entende de departer, & donques deliver seisin ou possession, en manner come est avantdit: Et issint le terre ou tenement passera cybien lou il nad fait, come p fait, & ceo per force de deliverie de seisin: Il fuit agree en Graies Inne per le droit Worshipful Master Snagge, al son Lecture la en Summer, Anno 1574. Que si un feoffor deliver la fait en view del terre, en nosme de seisin, que il est bone, pur ceo que il ad un possession en luy mesme. Mes auterment est d'un Attorney, car il doit aller al terre, & prise possession luy mesme, d'avant que il poit doner possession al auter, accordaunt al parols de son Garrant, &c. Et lou liverie de seisin est per le view, si le feoffee ne entra pas puis, &c. nul chose passa, car il doit enter en fait.

gether with the ring of the doore in the name of seisin or possession, and he that receiveth the livery entrath in first alone, & shutteth to the doore, & presently openeth it again and letteth them in, &c. If it be a house whereto is no land or ground, the livery is made, and possession taken by the delivery of the ring of the doore, and deed onely. And where it is without deed, either of lands or tenements, there the party declareth by word of mouth before witnesse, the estate that he meaneth to depart with, and then delivereth seisin or possession, in manner as is aforesaid: And so the land or tenement doth passe as well where there is no deed, as by deed, and that by force of the livery of seisin: It was agreed in Graies Inne by the right Worshipfull Master Snagge, at his Reading there in Summer: Anno 1574. That if a feoffor deliver the deed in view of the land, in name of seisin, that is good, because that he hath a possession in himselfe. But other wise it is of an Attorney, for he must goe to the land, and take possession himself before that he can give possession to another, according to the words of his warrant, &c. And where livery of seisin is by view, if the feoffee doe not enter after, &c. nothing passeth, for he ought to enter in deed.

Lollards.

Lollards were Dogmatists in Religion in the times of E. 3. & H. 5. which as those times where they then reputed Hereticks, as appears by the Statutes in 5 R. 2. c. 5. & 2. H. 5. ca. 7. which Statutes you shall find repealed in 1. E. 6. cap. 12 & 1. El. cap. 1. And these Lollards had their name (as some think) from one Gualter Lolhard a German, who lived about the yere 1315. and was the first author of this sect.

Lotharwit.

Lootherwit, that is, that you may take amends of him which doth defile your bondwoman without your licence.

Lushburgh.

Lushburgh was a counterfeit coin in the time of E. 3. that was made beyond the seas in likeness of English monies, and brought in to deceive the King and his subjects. And therefore it is declared to be treason by the Stat. of 25. E. 3. stat. 5. ca. 2. for any man to bring it into the Realme knowing it to be false.

Lollards.

Lollards fueront Dogmatists & Religion & le temps E. 3. & H. 5. & cōc l' Religion & ceux iours fuit fueront reputes Hereticks, cōc appiert per lestat. en 5. R. 2. ca. 5. & 2. H. 5. ca. 7. queux Stat. vous troveres repeales en 1. E. 6. cap. 12. & 1. El. ca. 1. Et ceux Lollards avoyent leur denomination (come ascū pensoient d' l' un Gualter Lolhard un Germanois, qui vixit circa an. Dom. 1315. & fuit l' prim author d' cest sect.

Lotharwit.

Lootherwit, hoc est, quod capiatis emendas ab ipso qui corrumpit vestram nativam sine licentia vestra.

Lushborow.

Lush'orow fuit un counterfeit coin en le temps E. 3. que fait fait ouster le mere en similitud d's deniers Anglois, & port. eins pur deceiver le Roy & ses subiects. Et pur ceo est declare destre treason per lestatute 25. E. 3. stat. 5. cap. 2. pur ascun home de ceo porter deins le Realme sil scavoit que est faux.

M.

Maihim or Maime.

Maihim is where by the wrongfull act of another, any member is

M.

Maihim ou Maime.

Maihim est lou p' l' tortious act d' aut, ascun member est dampnifie

The Exposition of

ou roble, per que le partie if-
fint dampnie est fait imper-
fect a combat : Come si un
osse soit prise hors d'l test: Ou
un osse soit d' bruisse é asc' auf
part del corps, ou un pee, ou
maine, ou digit, ou joynt d'un
pee, ou asc' member soit sey :
ou p' asc' plage les nerves sont
fait d' shrinker, ou auf mem-
ber, ou les digits fait curve, ou
si un oyle soit mise hors, ou les
anterior dents d' bruisse, ou asc'
auf chose en l' corps dun hœ,
p' reason d' quel il est fait le
meines able pur defender luy
meisme ou offend son enemy.

Mes le scire d' un orial ou
nase, ou lenfrieder del dents
moliers, ou tiels semblables,
nest asc' Maihem, pur ceo q' il
est plais un deformitie de le
corps, q' un defect d'l strength,
& ceo est communement try p'
l' inspection del partie per les
Justices. Et si les Justices sont
en doubte si le damage soit un
Maihem, ou nemy, ils use, &
voylent de leur grand discre-
tion prendr l' ayde & opinion
de ascun credite Surgeon, pur
confider de ceo devant que ils
determine sur le case.

Mainprise.

Mainprise est quaut un hœ
est arrest' p' *Capias*, donq'
les Judges poyent deliver son
corps a certain hœs pur guar-
der, & de luy amesner devant
eux a certain jour, & eux sont
appelles mainpernors, & si le
partie ne appear al jour assigne
l' mainpernors serrôt amercie.

hurt or taken away, whereby
the party so hurt is made un-
perfect to fight: As if a bone
be taken out of the head: Or
a bone be broken in any other
part of the body, or foot, or hand,
or finger, or joynt of a foot, or
any member be cut: or by some
wound the sinewes be made to
shrink, or other member, or the
fingers made crooked, or if an
eye be put out, or the force-teeth
broken, or any other thing hurt
in a mans body, by meanes
whereof he is made the lesse a-
ble to defend himselfe, or offend
his enemy.

But the cutting off of an eare
or nose, or breaking of the hin-
der teeth, or such like, is no
Maihem, because it is rather a
deformity of body than dimini-
shing of strength, and that is
commonly tried by beholding the
party by the Justices. And if
the Justices stand in doubt
whether the hurt be a Maihem
or not, they use and will of their
owne discretion take the helpe
and opinion of some skilfull
Chirurgion to consider thereof
before the determine upon the
cause.

Mainprise.

Mainprise is when a man is
arrested by *Capias*, then the
Judge may deliver his body to
certain men for to keep, and to
bring him before him at a certain
day, & these be called Mainper-
nors, & if the party appeare not
at the day assigned, the mainper-
nors shal be amerced.

Manner.

Mannour.

MAnnour is a thing compounded of divers things, as of a house, land arable, pasture, meadow, wood, rent, advowson, Court Baron, and such like, which make a Mannour. And this ought to be by long continuance of time, to the contrary whereof mans memory cannot discern: for at this day a Mannour cannot be made, because a Court Baron cannot now be made, and a Mannour cannot be without a Court Baron, and suiters or freeholders, two at the least, for if all the freeholds except one escheat to the Lord, or if he purchase all except one, there his Mannour is gone, for that it cannot be a Mannour without a Court Baron (as is aforesaid.) And a Court Baron cannot be holden but by some suiters, and not before one suiter, and therefore where but one freehold or freeholder is, there cannot be a Mannour properly, although in common speech it may be called a Mannour.

Mandamus.

Mandamus is a writ that goes to the Escheator for the finding of an office after the death of one that died the Kings Tenant, & it is all one with the writ of Diem clausit extremum, but that the Diem clausit extremum goes out within the year after the death, and the Manda-

Mannor.

Mannor est un chose compound d' divers choses, cōc de un meason, ēre errable, pasture, pree, boys, rent, advowson, Court Baron, & tiels semblables, q̄x sont un Mannor. Et ceo doit este p̄ antient continuance d' temps, ejus contrarium memoria hominum non existat: car a ceo jour un Mannor ne poit este fait, pur ceo q̄ un Court Baron ne poit este fait ore, & un mannor ne poit este sans un Court Baron, & suiters ou franktenants, deux al meins, car si tous les franktenements forsque un escheate al Seignior, ou si l' purchase tous preter un, la son manner est ale, pur ceo que il ne poit estre un mannor sans un Court Baron (come avantdit.) Et un Court Baron ne poit este tenu mes devaunt suiters, & nemy devaunt un suiter, & ideo lou forsque un franktenement ou franktenant est, la ne poit este mannor properment, coment en common parlant ceo poit estī appel un mannor.

Mandamus.

Mandamus est un Briefe que issist al Escheator p̄ le trover dun office apres le mort dun q̄ morust Tenant le Roy, & est tant un ove le Briefe de Diem clausit extremum, sinon q̄ le Bīfe de Diem clausit extremum, issist deins l' an apres le mort, & le Mandamus

The Exposition of

damus ne issuit tanque apres l'an, & en case lou ne fuit ascun Diem clausit extremum sue hors, ou al meins nient sue eum effectū. Et veies de ceo Fitz. N.B. fol. 153. B.C.

Manfion.

M*anfion* (*Mansio*) est en nostre Ley plus usualmēt prise pur le chiefe messuage ou habitation del Seignieur dun Mannor, le meale del Mannor en que il plustost remaine & continue capitale messuagium, come est appelle de que le feme per lestatute de *Mag. Chart. cap. 7.* avera sa Quarentine.

Manucaptio.

M*anucaptio* est un Briefe q̄ gift pur cestuy que est arrest ou indite de felonie, & offer sufficient sureties pur son appearance, mes le Viscount, ou cestuy que concerne, ne voit luy admit destre baile, dunque il avera cest Briefe eux mandant de luy lesser a mainprise. Et veies de ceo *Fitz. N.B. fo. 249. G.*

Manumission.

M*anumission* est le felaing dun que est villein destre franke, & puit estre en deux sorts, le un est un *Manumission* explicita, l'auter un *manumission* implicita.

Manumission explicita est quaut le Seignieur fait un fait al son Villeine pur luy enfranchiser per cest parol (*Manumittere*) quod idem est

mus goes not out till after the yeere, and in case where there was never any Diem clausit extremum sued out, or was not sued out with effect. And se of this *Fitz. N.B. fol. 153. B.C.*

Marfion.

M*anfion* (*Mansio*) is in our law most comonly taken for the chief messuage or habitation of the Lord of a Mannor, the Mannor house where he doth most remain or continue his capitall messuage, as it is called: Of which the wife by the Statute of *Mag. Chart. cap. 7.* shall have her Quarentine.

Manucaptio.

M*anucaptio* is a writ that lyes for him that is arrested or indicted of felony, and offers sufficient sureties for his appearance. But the Sherife, or he whom it concernes, will not suffer him to be bailed, then he shall have this writ to command them to let him to be bailed. And se of this *Fitz. N.B. fol. 249. G.*

Manumission.

M*anumission* is the making of a bondman to be a freeman, and may be in two sorts, the one is *Manumission* expressed, the other a *Manumission* implied or secret.

Manumission expressed is where the Lord maketh a deed to his villeine to enfranchise him by this word (*Manumittere*) which is as much to say, as

to let one goe out of another mans hands or owner.

The manner of Manumitting or Infranchising in old time most usually was thus: The Lord (in presence of his neighbours) took the bondman by the head, saying, I will that this man be free, and therewith shod him forward out of his hand, and by this he was free without more ado.

Manumission implied without this word (Manumittere) is when the Lord maketh an Obligation to his villeine to pay him money at a certaine day, or sueth him where he might enter without suit, or granteth unto his villeine an annuity, or leaseth land to him by deed for yeers, or for life, and in divers such like cases, the villeine thereby is made free.

Marches.

MArchés be the bounds and limits betwixt us and Wales or Scotland, so called either from the German word (Murch) which signifies a frontier or border, or else from the French word (Marq;) that is to say, a signe or token of distinction, these being the notorious distinctions of two divers countries. Of these you shall reade in the Stat. of 4.H.5.c.7. 22.E.4.c.8. 24.H.8.c.9. and others.

Marchers.

MArchers are the noble men dwelling on the Marches

quod extra manum, vel extra potestatem alterius ponet.

Le manner de manumitting ou enfranchising en temps passé plus usualment fuit issint: Le Seignieur (en presence de ses vicines) prist le villeine per le test disant, Ieo voile que cest home soit franke, & ove ceo il luy mise avant hors de ses maines, & pur ceo il fuit franke sauns aucun plus faire.

Manumission implicite sans cest parol (Manumittere) est quant le Seignieur fait un obligation a son villeine a payer a luy money al un certaine jour, ou luy sue lou il poit entrer sans suit, ou grant al son villein un annuitie, ou lessa terre a luy per fait pur ans, ou pur vie, & en divers tiels semblables cases, le villeine per ceo est fait franke.

Marches.

MArchés sont les limits entre nous & Gales, ou Escosse, issint appels ou del parol Germanois (March) que signifie Limitem, ou del parol Francois (Marq;) cest a savoir, un signe del distinction, ceux eunts le notorius distinctions de deux divers regions. De ceux poies lier en lestatutes de 4.Hen.5. cap.7. 22. E.4. cap.8. 24. H.8. cap.9. & auters.

Marchers.

MArchers sont les noble homes inhabitants sur les Marches

The Exposition of

Marches de Gales & Escose, q̄ en temps devant avoyent leur private leyes, sicome fuissent Royes, & pur ceo en lestatutes de 2.H.4. cap.18. 26.H.8. ca.6. 27.H.8.ca.26. & 1.E.6.c.10. ils s̄or appels Seigniors Marchers.

Marshall.

Marshāl est un generall parol pur mults Officers en Angleſre, cōc le S̄nr ou Count Marshal, de q̄ mention est fait en lestatutes de 13.R.2.ca.7. & 1.H.4.ca.7. & 14. Le Marshal del hostel le Roy. De que poies lier en Fitzh. N. B. fol. 241. B. & en lestat. de Artic. super Chart. ca.3. 18.E.3.ca.2. 2.H.4.c.23. 15.H.6.c.1. & aufs. Sont auxy auters inferiour Marshals mentions en nostre livers, come le marshall de Banke le Roy en lestatute 5.E.3.ca.8. & en Fitz N. B. fol. 251. I. que avoit le custodie des tous les prisoners de ceo Court. Et le marshal d̄l Exchequer mention en lestatute de 1.H.3.stat.5. appel le Statute del Eschequer. Et pur le signification del parol Marshall est un parol Francois, & est tant adire come Magister equitum: car semble q̄ venust de parol Germanois (*Marſchalk*) q̄ ad ceo signification.

Marshallſea.

Marshallſea est le Court ou Seat del marshal del hostel le Roy, de que poies lier alardge en *Cok. lib. 6. fo. 20. B. & lib. 10 fo. 68. B.* Est auxy

of Wales of Scotland, who in times past had their private lawes, as if they had bin kings, and therefore in the Statutes of 2.H.4. cap.18. 26.H.8. cap.6. 27.H.8.cap.26. and 1.E.6.ca.10. they are called lords Marchers.

Marshall.

Marshall is a generall word for many Officers in England, as the Lord of Earle Marshall, of whom mention is made in the Statutes of 13.R.2. cap.2. and 1.H.4. cap.7. and 14. The Marshall of the R. house. Of whom you may reade Fitzh. N.B. fo. 241.B. & in the Stat. of Artic. sup. Chart. c.3. 18.E.3.c.7. 2.H.4.c.23. 15.H.9.c.1. & others. There are also other inferiour Marshalls mentioned in our bookes, as the Marshall of the Kings Bench in the Statute of 5.E.3 cap.8. and Fitzh. N.B. fo. 251.I. who hath the custodie of all the prisoners of that Court. And the Marshall of the Exchequer mentioned in the Stat. of 11.H.3.stat.5. called the Stat. of the Ex. hequer. And for the signification of the word Marshall it is a French word, & is as much to say as Master of the horse: for it seems to come of the Germane word (*Marſchalk*) which hath that signification.

Marshallſea.

Marshallſea is the Court or Seat of the Marshall of the Kings house, of which you may reade at large in *Coli 6. f. 20 B. & 1. 10. f. 68. B.* It is also taken for the

the prison belonging to the court of the Kings Bench, of which the Marshall of that Court is the keeper: for so are the formes of the Wills there, that A. complaines of B. in the custody of the Marshall of the Marshalsea of our Lord the King, &c.

Maugre.

MAugre is a word compounded of two French words (*Mal*) and (*Grec*) so that it is as much as to say, with an unwilling mind, or in despite of another. And so it is used in Littleton, sect. 672. where it is said that the husband and wife shall be remitted, *Maugre* the husband, that is to say, in despite of the husband, or against the will of the husband, or with the dissent of the husband.

Maximes.

MAXIMES be the foundations of the Law, and the conclusions of reason, and are causes efficient and certaine universal propositions so sure and perfect, that they may not be at any time impeached or impugned, but ought alwaies to be observed, and holden as strong principles and authorities of themselves, although they cannot be proved by force of argument or demonstrations logical, but are known by induction by the way of sense and memory: As for example, it is a *Maxime*, that if a man have issue two sonnes by divers women, and the one of them purchase lands in fee, and birth

prise pur le prison preinant al Court del Banke le Roy, de q le Marshal de ceo Court est le gardian: car issint sont les formes des Bills la, que A. queritur de B. in custodia Mariscalii Mariscalcie Domini Regis, &c.

Maugre.

MAugre est un parol compound des deux parols Francois (*Mal*) & (*Grec*) issint q est tant adire cœ invito animo, ou en dispiht dun auter. Et issint est use en Littleton, sect. 672. lou est die, que le baron & feme serront remitts *Maugre* le baron, cestascavoir, en despiht le baron, ou encounter le volunt le baron, ou oyelè male gree le baron.

Maximes.

MAXIMES sont les foundations del Ley, & les conclusions de reason, & sont causes efficient, & certaine universal propositions, cy sure & pfect, que ils ne point este a aucun temps impeach ou impugne, mes doient tous soits este observe, & tenus cœ fort principes & authorities de luy mesmes, nient obstant ils ne poient este prove p force d argument ou demonstration logical, mes sont connus p induction p le voy d sense & memorie: Cœ par exemple, il est un *Maxime*, q si un hom ad issue deux frs, p diûs vents, & le un de eux purchase frs in fee, & morust

The Exposition of

morust sans issue, laut fits ne unques serra son heire, &c.

Item il est un aut Maxime, que terres descendra del pere al fits, mes nemy del fits al pere, car ceo est un ascension, &c. Et divers tielx semblables il y ad, dont veies plus en le *Doctor & Student*.

Maynour.

Maynour est qnt un laron ad emblee, & est pursue ove Huy & Crie & prise, ayant ceo trove ovesq luy que il ad emblee, ceo est appell le Maynor. Et issint nous communement use pur dire, quant nous trovo-
mus un fesant de un illoyal act, que nous luy prist ovesq le maynour au manner.

Maintenance.

Maintenance est lou ascū hōe done ou d'livrer a un aut que est Plaintife ou Defen-
dant en asc' action, asc' somme d'argent, ou auter chose pur maintenir son plee, ou fait ex-
treme labor pur luy quant il nad riens a ceo faire, donques laut partie greève avera vers lay un Brieft appelle Brieft d Maintenance.

Mease.

Mease (*Messuagium*) sem-
ble d' vener del pol Fran-
cois *Maison* ou *Mansion*, que nest uf fors q un lieu d' abid-
er ou habitation. Et uncore mesuage en nostre Ley com-
prehend plus que le very lieu del habitation, car *Domus* &

without issue, the other brother shall never be his heire, &c.

Also it is another Maxime, that lands shall descend from the father to the son, but not from the son to the father. for that is an ascension, &c. And divers such there be, whereof see more in the Doctor and Student.

Maynour.

Maynour is when a thiefe hath stolne, and is follo-
wed with Hue and Cry and ta-
ken, having that found about him which he stole, that is cal-
led *Maynour*. And so we com-
monly use to say, when we find one doing of an unlawful act, that we took him with the may-
nour or manner.

Maintenance.

Maintenance is where any man giveth or delivereth to another that is plaintife or de-
fendant in any action, any sum of money or other thing for to maintaine his plee, or else maketh extreme labour for him when he hath nothing therewith to doe. then the party grieved shall have against him a writ cal-
led a writ of Maintenance.

Mease.

Mease or *Messuage* comes to come from the French word *Maison* or *Mansion*, which is no other but a place of abid-
ing or habitation. And yet *Messuage* in our Law con-
taines more than the very place of habitation, for a House and a *Messin*-

a **Messuage** differ in that a House cannot be intended other than the matter of Building, but a **Messuage** shall be sold all the mansion place, and the curtelage shall be taken as parcell of the **Messuage**, 20. H. 7. Keloway fol. 57. a. and by the name of a **Messuage** the garden and curtelage shall passe, Plowden, fol. 171. a.

Medietas lingue.

Mediatas lingue is an Inquest empannelled upon any cause, wherof the one halfe is of Denizens, and the other halfe of strangers, and it is used in pleas between parties, wherof the one is a Denizen, and the other a stranger, and this manner of tryall was first given by the Statute of 27. E. 3. Stat. 2. cap. 8. and by the Statute of 28. E. 3. cap. 13. it was granted in cases where the King himselfe was party with an alien.

Melius inquirendo.

Melius inquirendo is a writ that is directed unto the Escheator for a second inquiry to be made when there is any doubt made of partiality in an inquiry made upon a *dictum clausit extremum* after the death of the Kings Tenant. See Fitz. N. B. fol. 255. C.

Merchenlage.

Merchenlage is one of those three lawes, out of which William the Conqueror framed our Common Lawes with

Messuagium differenc eo que domus ne poit estre intend auf que les choses en building, mes messuagium serra dit tout le mansion lieu, & le curtelage serra prise come parcell dun messuage, 20. Hen. 7. Keloway fol. 57. a. & per le nosme dun messuage le garden & le curtelage passera, Plowden fol. 171. a.

Medietas lingue.

Mediatas lingue est un Inquest empanel sur ascun cause, de que lun moitie est d's Denizens, & lautre moitie d's aliens, & est use en pleas enter parties, dont lun est un Denizen, & lautre un alien, & cest manner de tryal fuit primes done per lestatute de 27. E. 3. Stat. 2. cap. 8. & per lestatute de 28. E. 3. cap. 13. fuit graunt en cases lou le Roy mesme fuit partie ove un alien.

Melius inquirendo.

Melius inquirendo est un Bfe que est direct al Escheator pur un second inquisition destre fait quant est ascun suspicion del partialite en un inquisition fait sur un *dictum clausit extremum* apres le mort le Tenant le Roy. Veies Fitz. N. B. fol. 255. C.

Merchenlage.

Merchenlage est un de ceux trois leyes, hors des queux Guelme le Conqueror frame nostre common Ley ove le
D d 2 mixture

The Exposition of

mixture des Leyes de Normandy. Et fuit le Ley des Mercians, quant ils avoyent le regiment d-l tierce part de cest Realme.

Mesnage. Vide *Mease* devant.

Measondue.

Measondue est un appellati-on done as diūs Hospitals en cest Realme, & venust de François (*Maison de Dieu*) & nest plus que *Donus Dei* ou Gods house en Anglois.

Mesne.

Mesne est lou l'owner del terres ou tenements ceux tener de un per certaine service, & il ceux tenoit de un auter p autiels ou auter services, la cestuy que tient les terres est appel Tenant paravaile, & cestuy de que il reigne est appelle *Mesne*, & cestuy de q le *Mesne* tenoit est appelle Seignior Paramount. Et en cest case si le Seignior Paramount distreine le tenant par le service le *Mesne*, que luy doit acquite al Seignior Paramount, donques le Tenant aveſ un Brieſe vers le *Mesne*, que est appel Brieſe de *Mesne*, & si il ne vient pur acquiſ le Tenant, donques le *mesne* perdra le service le Tenant, & serra forejudge de son Seignorie, & le Tenaunt serra Tenaunt immediate al chiefe Seignior, & serra mesmes le services & suits cōe le *Mesne* fist al Seignior.

the mixing of the Lawes of Normandy. And it was the Law of the Mercians, when they had the government of the third part of this Realme.

Mesnage. Looke *Mease* before.

Measondue.

Measondue is an appellati-on of divers Hospitals in this Kingdome, and it comes of the French (*Maison de Dieu*) and is no moze bat Gods house in English.

Mesne.

Mesne is where the owner of lands or tenements holdeth of one by certaine services, and he holdeth them of another by like or other services, then he which holdeth the lands is called Tenaunt paravaile, and he of whom it is held is called *Mesne*, and he of whom the *Mesne* holdeth, is called chiefe Lord. And in this case if the Lord above distraineth the Tenaunt for the service of the *Mesne*, which ought to acquit him to the Lord above, then the servant shall have a writ against the *Mesne*, which is called a writ of *Mesne*, and if hee come not to acquit the Tenaunt, then the *Mesne* shall lose the service of the Tenaunt, and shall be forejudged of his Seignory, and the Tenaunt shall be Tenaunt immediate to the chiefe Lord, and shall doe the same service and suits as the *Mesne* did to the Lord.

Misprision.

Misprision.

Misprision is when one knoweth that another hath committed Treason or Felony, and will not discover him to the King, or to the Councell, or to any Magistrate, but doth conceale the same. Divers other offences be called Misprision: as when a Chapleine had fixed an old seale of a Patent to a new Patent of Non-residence, and this was holden to be Misprision of Treason onely, and no counterfeiting of the Kings Seale. So it is holden in 37. H. 8. Bro. tit. Treason 3. in fine. but 2. H. 4. fol. 25. A. is adjudged contrary, & Stamf. pl. cor. to. 3. B. cites it so that it is Treason, & not Misprision of Treason only: and so it is holden at this day.

Also if a man know money to be counterfeited, & bring the same out of Ireland hither into England, & utter it in payment, this is but Misprision of Treason, and no Treason, and so it is in divers such like cases.

And in all cases of Misprision of Treason, the party offender shall forfeit his goods for ever, and the profits of his lands for terme of his life, and his body to prison at the Kings pleasure.

And for Misprision of Felonie or Trespass, the offender shall be committed to Prison, untill he have found sureties or pledges for his fine, which shall

Misprision.

Misprision est quant alcun sciet que un autre ad fait Treason ou Felonie, & il ne voyle luy discover al Roy, ou son Councell, ou a alcun Magistrate, eins conceala son offence. Divers autres offences sont appelle Misprision: si come un Chapleine ad fixe un antient seale dun Patent, a un novel Patent de Non-residence, & ceo fuit tenu de fte Misprision d Treason tantum, & nul counterfeit del Seale del Roy. Isint est tenu en 37. H. 8. Bro. tit. Treason 3. in fine, mes 2. H. 4. fo. 25. A. est adjudge contra, & Stamf. pl. cor. fo. 3. B. cite ceo isint que est Treason, & nemy Misprision de Treason solement: & isint est tenu a cest iour.

Item si un autre sciet money destre faux, & port ceo hors de Ireland en Engleterre, & utter ceo en payment, ceo est forsque Misprision de Treason, & nemy Treason, & isint est en divers tiels semblable cases.

Et en tous cases de Misprision de Treason, le partie offender forfeitera ses biens a tous iours, & les profits de ses terres pur terme de son vie, & son corps al prison, al plaisir del Roy.

Et pur Misprision de Felonie ou Trespass, l' offender serra committ al prison, tanque il ad trove sureties ou pledges p son fine, que serra

The Exposition of

assesse per le discretion de les Justices devaunt que il fait convict.

Et nota, Que en chescun Treason ou Felonie est include misprison, & lou ascun ad fait Treason ou Felonie, le Roy poit causer luy destre endicte & arraigne forsque de misprison solement si il voil. Vide plus d' ceo *Stamf. lib. I. cap. 39.*

Mise.

*M*ise est un parol Francois, & signifie tant come (*expensum*) en Latine, & issint est frequentmt use en les entries des Iudgments ou psonal actions, quant le Plaintiff recover, l' entree est quod *Recuperet damna sua* a tiel value, & tant *pro missis & custagiis*. La est auxy un auter acception ou signification de cest parol en le Ley. Et ceo est lou est prise pur lissue destre try p bataille ou grand Assise. Et issint est use en *Littleton, sect. 478. 482.* & divers auters, lou ioinder del mise sur le mere droit nest plus que mitor ceo en issue, que avoit le melieux ou plus cleere droit.

Misericordia.

*M*isericordia est use en le common Ley pur un amerciamment ou peine mise sur ascun pur un offence, come lou le Plaintiff ou Defendant en ascun action est amerce, l' entree est tous foits, *Ideo in mi-*

be assessed by the discretion of the Justices befoze whom he was convict.

And note. That in every Treason or felony is included Misprison, and where any hath committed Treason or Felonie, the King may cause the same to be indicted and arraigned but of Misprison only if he will. See more hereof, *Stamf. lib. I. cap. 39.*

Mise.

*M*ise is a French word, and signifies as much as (*expensum*) in Latine, and so it is ordinarily used in the entries of Judgments in personal actions when the plaintiff recovers, the entry is that *Recuperet damna sua* to such a value, & *pro missis & custagiis*, for costs & charges so much. There is also another acception or signification of this word in the Law, and that is where it is taken for the issue to be tryed by battle or grand Assise. And so it is used in *Littleton, sect. 478. 482.* and divers others, where joyning of the Wile upon the mere right is no more but putting it in issue, who hath the best or clearest right.

Misericordia.

*M*isericordia is used in the common Law for an amerciamment or multa set upon any for an offence. as where the Plaintiff or Defendant in any action are amerced, the entry is alwaies, *Ideo in misericordia*

dia, &c. And it is therefore cal-
led misericordia, as Fitzh. sayes,
N.B. fol. 75. H. for that it should
be but small and lesse than the
fault. And saying to his conte-
nement, as the Statute of Mag.
Charta, cap. 14. speaks. And
therefore if a man be outrage-
ously amerced in a Court that
is not of record, as in a Court
Baron, &c. there is a writ cal-
led a Moderata misericordia to
be directed to the Lord or his
Bailly, commaunding them that
they take moderate amercia-
ments according to the quan-
tity of the fault. And of that
see Fitzh. N.B. fo. 75. A. and Mo-
derata misericordia after.

Mittimus.

Mittimus is a writ by which
Records are transferred
from one Court to another,
sometimes immediately, as it ap-
peares in the Statute of 1. R. 2.
cap. 15. as out of the Kings
Bench into the Exchequer, And
sometimes by a Certiorari into
the Chancery, and from thence
by a Mittimus into another
Court, as you may see in 18. H. 8.
Dyer, fo. 29. a. b. & 29. H. 8. Dyer,
fo. 32. a. b. This word is also u-
sed for the precept that is dir-
ected by a Justice of peace to a
Payler for the receiving & safe
keeping of a felon, or other of-
fender committed by the said
Justice to the Gaole.

sericordia, &c. Et est pur ceo
appel misericordia, cõe Fitzh.
dit, N.B. fo. 75. H. eo que doit
estre forsque petite & meins
que l' offence. Et salvo con-
tenemento come lestatute de
Mag Chart. cap. 14. parle. Et
pur ceo si home soit outragi-
ousment amercee en un Court
que nest de record, come en
Court Baron, &c. la est un
Brieve appel un Moderata mi-
sericordia, destre direct al Sñr
ou Bailly, eux commaundant q
ils prenderont moderates a-
merciements selonq le quan-
tite d' trespass. Et de ceo veies
Fitz. N.B. fo. 75. A. & Moderata
Misericordia apres.

Mittimus.

Mittimus est un Brieve par
q records sont transferre
del un Court al autre, ascun
foits immediatement, cõe appi-
ert en lestat. 1. R. 2. cap. 15.
come hors del Bancke le Roy
en leschequer. Et ascun foys
p un certiorari en le Chaun-
cerie, & dillonq p un mit-
timus en autre Court, come
poies veier en 18. H. 8. Dyer,
fo. 29. a. b. & 29. H. 8. Dyer, fo.
32. a. b. Cest parol est auxy
use pur le precept que est di-
rect p un Justice del Peace al
Gaoler pur le recevoir & safe-
ment garder dun felon, ou au-
ter offendor commit per le dit
Justice al Gaole.

The Exposition of

Monstrans de Faits ou Records.

Monstrans de Faits ou Records, est, sicome pur example, un action de Det soit port envers un sur un obligation per un, ou per Executors, &c. la apres que le Plainrife ad declare, il doit monstre son obligation, & l'Executor le testament al Court, & issint est de Records.

Et le diversifie perent monstfrance de Faits ou Records, & oyer de Faits ou Records, est issint, il que pleade le Fait ou Record, ou declare sur ceo, a luy il appertaine de monstre ceo. Et l'auter vers que tiel Fait ou Record est pleade ou declare, & est per ceo destre charge, poyt demaund oyer de ceo Fait ou Record, que son adversarie port, ou plead vers luy.

Mortdancer.

Mortdancer, vide d' ceo d'vāt ē le tūle *Cofinage*.

Monstraverunt.

Monstraverunt est un Brief, & gift pur le Tēts en ancient demesne, & est direct al Seignior, luy commaundant q' il ne distraine son tenant pur faire aut service, que faire ne duissoit, & ils poient aū cest Brie direct al Vic', q' il ne suffer le Seignior a distraine les dits tenaunts pur faire auter service.

Auxy siles Tēts ne poient

Shewing of Deeds or Records.

Shewing of Deeds, or Records, is, as if for example, an action of Debt be brought against one upon an obligation by one, or by Executors, &c. there after that the Plainrife hath declared, he ought to shew his obligation, and the Executor the testament to the Court, and so it is of Records.

And the diversity betwene shewing of Deeds or Records, & hearing of Deeds or Records, is thus, he that pleads the Debt or Record, or declares upon it, to him it doth appertain to shew the same. And the other against whom such Deed or Record is pleaded or declared, & is thereby to be charged may demand hearing of the same Debt or Record, which his adversary bringeth or pleaderth against him.

Mortdancer.

Mortdancer, loke for that before in the title *Cofinage*.

Monstraverunt.

Monstraverunt is a writ, & it lyeth for the Tenants in ancient demesne, and is directed unto the Lord, him commanding that he distraine not his tenant for to doe other service than he ought not to do, & they may have this writ directed to the Sherife, that hee suffer not the Lord to distraine the said tenants for to doe other service.

Also if the Tenants cannot be

be in quiet, they may have an attachment against the Lord, to appeare before the Justices, and all the names of the tenants shall be put in the writ, though but one of them be grieved onely.

Also if any lands in ancient demesne be in variance between the Tenants, then the Tenant so grieved, shall have against the other a writ which is called of Right close after the custom of the Mannor, and that shall be alway brought in the Lords Court, & thereupon he shall declare in the nature of what writ he will, as his case lieth, and this writ shall not be removed, but for a great cause, or no power of the Court.

Also if the Lord in another place out of ancient demesne distraine his Tenaunt to doe other service then he ought, he shall have a writ of Right, called Ne injuste vexes, and it is a writ of right Patent which shall be tryed by battell or grand Assise.

Monstrans de droit.

Monstrans de droit is a suit in Chancery for the subject to be restored unto lands and tenements, which he shewes to be his right, but are by office found to be in the possession of another that is lately dead, by which office the King is intitled to a chattell, freehold, or inheritance in the said lands. And this Monstrans de droit is given by the Statutes of 34 E. 3.

est en quiet ils poient aver un attachment vers le Seigneur & appaerera devant les justices & tous les noms des Tenaunts seront mise en le Briefe, comert q forsque un de eux soit greü solement.

Auxy si aucun terres an auncient demesne soit en variance enter les Tenants, donqs le Tenant issint grieve avera vers auter Briefe quod vocatur Droit close *secundum consuetudinem Manerii*, & ceo sera tous foites port en le Court le Seigneur, & sur ceo il countera en le nature d quel Briefe il voit, come son case gift, & cest Briefe ne serra remove, si non pur grand cause, ou non power de le Court.

Auxy si le Seignieur en auter lieu hors ne auncient demesne distraine son Tenaunt de faire auter service que il doit, il avera Briefe de Droit, appelle Ne injuste vexes, & cest un Briefe de droit Patent, que serra trie per battell ou grand Assise.

Monstrans de droit.

Monstrans de droit est un suit en le Chancery pur le subject destre restore as terres & tenements, queux il monstre dñr son droit, mes sont p office troves dñre en le possession dun q darreir mnt morust, p quel office le Roy est entitle al un chattell franktenement ou inheritance en les dits tres. Et cest Monstrance de droit est done p les Statutes d 34 E. 3.

The Exposition of

cap. 14. & 36. E. 3. cap. 13. Veies
Coke lib. 4. fol. 54. B. en le case
del Wardens & Comminaltie
des Sadlers.

cap. 14. and 36. E. 3. cap. 13. See
Coke, lib. 4. fol. 54. B. in the case
of the Wardens and Commi-
nalty of Sadlers.

Mortgage on Morgage.

Mortgage uu Morgage est
quant un fait un feoff-
ment a un autre sur tiel condi-
tion, Que si le feoffour paya
al feoffee a certaine jour 40. li.
d'argent, que adonque le feof-
four poit re-enter, &c. en ceo
case le feoffee est appel Te-
nant en Morgage. Et sicome
un home poit fayre feoffment
en fee en Morgage, issint il
poit faire done en Taile, ou
Lease p' tme d' vie, ou p' tme d'
ans en Morgage. Et il semble
que la cause pur q' il est appel
Mortgage, est pur ceo que il
essoit en averoust, si le feof-
four voyle payer al jour li-
mitte l' argent ou non, &
si il ne paya pas, donq; est le
gage mort quant a le Tenant,
cestascavoir, le feoffee, & pur
cest cause il est appel en La-
tin, *Mortuum vadium*, come
Mounseur Littleton dit, ou
Mortuum vas, come Ieo pense.

Auxy si feoffement soit fait
en Morgage sur condition.
Que si le feoffour paya tiel
summe a tiel jour, &c. & le
feoffour morust devant le
jour, uncore si le heire le feof-

Mortgage or Morgage.

Mortgage or Morgage is when
a man maketh a feoffment
to another on such condi-
tion, That if the feoffour pay
to the feoffee at a certaine day
40. li. of money, that then the
feoffour may re-enter, &c. in
this case the feoffee is called
Tenant in Morgage. And
as a man may make a feoffment
in fee in Morgage, so hee may
make a gift in Taile, or a Lease
for terme of life, or for terme of
years in Morgage. And it se-
meth that the cause why it is
called Mortgage, is for that
it standeth in doubt, whether
the feoffour will pay the money
at the day appointed or not,
and if hee faile to pay, then
the land which he laid in gage
upon condition of payment of
the money, is gone from him
for ever, and so dead to him
upon condition: But if hee pay
the money, then is the gage
dead as to the Tenant, that
is to say, the feoffee, and for
this cause it is called in La-
tine *Mortuum vadium*, as Ma-
ster Littleton saith, or rather,
Mortuum vas, as I thinke.

Also if a feoffment be made
in Morgage upon condition,
That if the feoffour pay such a
summe at such a day, &c. and the
feoffour dye before the day, yet
if the heire of the feoffour pay
the

the same summe at the same day to the feoffee, and the feoffee refuseth it, then the heire of the feoffour may enter: But in such a case, if there be no day of payment expresse, then such tender of the heire is void, for that that when the feoffour dieth, the time of tender is past, or otherwise the heirs of the feoffour shall have time of the tender for ever, which shall be inconvenient: that one shall have a fee simple to him & to his heirs which shall be defeasible alwaies at the pleasure & will of others, but in the first case the time of tender was not expired by death of the feoffour.

Moderata misericordia.

Moderata misericordia is a writ, and it lyeth where a man is amerced in Court Baron or County, more than he ought to be, then he shall have this writ directed to the Sheriffe if it be in the County, or to the Bailife if it be in the Court Baron, commanding them that they amerce him not, but having regard to the quantity of the trespass, & if they do not upon this writ, then shall go forth against them a *Sicut alias*, & *Causa nobis* significes, & after that an Attachment.

Mortmaine.

Mortmaine is where lands are given to a house of Religion, or to another company which be corporate by the kings grant, then the land is courte in

four paya mesme le summe a mesme le jour al feoffee, & le feoffee ceo refusa, donques le heire le feoffee poit enter: Mes en tiel case si ne soit aucun jour de payment expresse, donques tiel tender del heire est voyde, pur ceo, que quaut le feoffour morust, le temps d'l tender est passe, ou autrement les heires le feoffor averont tēps del tend a tout jours, que serra inconvenient, q un avera un fee simple a luy & a ses heires q serra defeasible rours foits a le pleasure & volunt d' auters, mes en le primer case le temps del tender ne fuit expresse p la mort le feoffour.

Moderata misericordia.

Moderata misericordia est un Briefe, & gist lou home est amercie en Court Baron, ou Countie, plus q dever este, donques il avera cest Briefe direct al Viscount si soit en le Countie, ou al Baylife si soit e Court Baron, eux commandant q ils ne luy amercions, mes eyent regard al quantitie del trespassse, & s'ils ne font sur eel Briefe, donques issira vers eux un *Sicut alias*, & *Causum nobis* significes, & apres ceo un Attachment.

Mortmaine.

Mortmaine est lou frs sont doñs a meason d religion, ou a un autre compagnie q sont corporate p le grant le Roy, denq cest frē est devenu en

Mort=

The Exposition of

Mortmaine, cest adire en Anglois, a dead hand, & donque le Roy ou le Seignieur de q̄ le terre est tenus poit entre, come appiert per l'estatute de *Religiosis*, ideo veies l'estatute. Auxy cy un fait feoffment sur confidence a certaine persons al opes de un meason de Religion, ou al opes de ascun Gild, ou fraternitie corporate, donques il ferra dit *Mortmain*, & in encourage m̄ le pain, ut patet p l'estatute Anno 15. R. 2.

Mortuary.

Mortuary (*Mortuarium*) est ceo aver ou auē charrell moveable, que apres le mort del owner, per le custome des ascuns lieux accrue al Parson, vicar, ou priest del paroche en lieu ou satisfaction des dismes, ou oblations, oblites, ou nient duement payes per cestuy que est mort. Vies ore l'estatute de 21. H. 8. c. 6. quelimit le course & order del payment de ceux mortuaries ou d̄ deniers pur eux.

Mulier.

Mulier est un parol use en nostre Ley, mes come aptment, Ieo ne poy dire ne scay bien: Car accordant al proper signification, *Mulier* est *Fæmina corrupta*, sicome il est use per *Vlpianus* en un certain lieu en tiel mañ: *Quod si ego me virginem credere putarem cum esset mulier, emptio non valeb.* Per ceo poyes veier, que *Mulier* est un feme que ad ew le

to *Mortmaine*, that is to say in English, a dead hand, & then the King or the Lord of whom the land is holden may enter, as it appeareth by the Statute de *Religiosis*, therefore see the statute. And if one make a feoffment upon trust to certaine persons to the use of a house of Religion, or to the use of any Guild, or fraternity corporate, then it shal be said *Mortmain*, & then he shal run in the same paine, as it appeareth by the stat. An. 15. R. 2.

Mortuary.

Mortuary is that beast or other chappell moveable, which after the death of the owner, by the custome of some places became due unto the Parson, Vicar, or Priest of the Parish, in lieu or satisfaction of Tithes or offerings, forgot or not well & truly paid by him that is dead. See now the statute of 21. H. 8. c. 6. which limits the course & order of the payment of these mortuaries or of money for them.

Mulier.

Mulier is a word used in our Law, but how aptly I cannot well learne: for according to the proper signification, *Mulier* is a defiled woman, like as it is used in *Vlpianus* in a certaine place, after this sort: If I thought that I had bought a Virgin, when shee was a defiled woman, the bargain was not good. Hereby you may see, That *Mulier* is a woman that hath had

had the company of a man. But to leaue the right signification. Mulier is taken in our Law, for one that is lawfully begotten and borne : & is alwayes used in comparison with a Bastard, onely to shew a difference betwene them : & thus for example. A man hath a sonne of a woman before marriage, that is called a bastard, and unlawfull. And after he marieth the mother of the Bastard, and they have another sonne, this second sonne is called Mulier, that is to say, lawfull. & shall be heire to his father : But the other cannot be heire to any man, because it is not knowne nor certaine in the judgment of the Law, who was his father, and for that cause is said to be no mans son, or the son of the people, & so without father, according to these old verses.

To whom the people father is, to him is father none at all.

To whom the people father is, well fatherlesse we may him call.

And alwayes you shall finde this addition to them, (Bastard eldest and Mulier youngest) when they be compared together.

Muniments.

Muniments are Evidences or writings, concerning a mans possession or inheritance, whereby he is able to defend the estate which he hath. And they are so called from the Latin word, Munio, which sig-

companie d'un home : Mes a l'acquiesher le droit signification, *Mulier* est prise en nostre Ley, pur un que est loyamment engender & nee, & est tous dies use en comparaison avecq; un bastard, seulement per monstre un difference perétre eux : come pur exemple. Un home ad un fitz per un feme devant marriage, cest issue est appelle un bastard, & illoyal. Et apres il marrie ove le mjer del bastard, & ont un autre fitz, cest second fitz est appelle *Mulier*, cest adire, loyal, & terra heire a son pier : mes le autre ne poit este heire al ascun home, pur ceo que il n'est conus ne certaine en le judgement del Ley que fuit son pier, & pur cest cause est dit destre *Nullius filius*, ou *filius populi*, & issint sauns pier, accordant al cestuy viele verses.

Cui pater est populus, pater est sibi nullus & omnia.

Cui pater est populus, non habet ipse patrem.

Et tous foits vous troves cest addition al eux (Bastard eigne, & *Mulier* puisne) qu'aunt ils sont compare ensemble.

Muniments.

Muniments (Munimenta) sont evidences ou escripts touchants le posséssion ou inheritance d'ascun home, & per que quex il est able pur defendre l'estate que il ad. Et ils sont issint appellez del Latin paroll *Munio*,

The Exposition of

Munio, que signifie pur defend-
der ou fortifier, & 35. H. 6. fol.
37. b. Wangford dit que cest pa-
rol *Muniment*, include tous
manners des Evidences, siz
charters, releases & auters.

Murage.

Murage (*Muragium*) est un
tolle ou tribute levie pur
le repaier ou edifier des pub-
lique mures. V. Fitz. n. b. f. 227.
D. & lestatute 3. E. 1. cap. 30.

Murder.

Murder est un voluntarie
occider d'un home sur
malice preteuse, & s'emble de-
vener de le Saxon parol *Mor-
dren*, que issint signifie. Et *Mor-
drinus* e le Murderer tauq; al
cest jour enf eux in Saxony, de
que nous avom^s mults de no-
stre parolx, come ad ostre so-
vent dit. Ou poit estre derive d'
Mort & dire, quasi, *Mors dira*.
Veies *Stamf. Plees del. Coron. l. 1.*

Muster.

Muster venust del parol
Francois *Monstre* (id est
Specimen) ou *Monstrer* (id est
Monstrare) car de muster nest
rien fors q; de monstre homes
& lour armes & de eux inrol-
ler en un liver cōe appiert per
lestatute de 18. H. 6. cap. 19.

N.

Naam.

Naam est le purfuer ou ap-
prehension des biens

nistres to defende or fortifie, and
35. H. 6. fol. 37. b. Wangford
says that this word *Muni-*
ment includes all manner of
Evidences, siz charters, relea-
ses and others.

Murage.

Murage is a toll or tribute,
levied for the repaying or
building of publike walls. See
Fitzh. n. b. fol. 227. D. and the
statute of 3. E. 1. chap. 30.

Murder.

Murder is a wilfull killing
of a man upon malice fore-
thought, and seemeth to come
of the Saxon word *Mordren*,
which so signifieth. And *Mordri-*
nus is the murderer even untill
this day amongst them in Sax-
ony, from whence we have most
of our words, as hath bene of-
ten said. Or it may be derived of
Mort and *dire*, as *Mors dira*. See
Stamf. Plees of the Crowne l. 1.

Muster.

Muster comes of the French
word (*Mōstre*, that is to say,
A proof or trial) or else of *Mon-*
strer (that is to say, to shew) for
to muster is nothing but to shew
men and their armes, & to inrol
them in a booke, as appeares
by the statute of 18. H. 6. c. 19.

N.

Naam.

Naam is the attaching or ta-
king of the moveable goods
of

of another man, and is either lawfull or unlawfull: Lawfull Mann is nothing else but a reasonable distresse according to the value of the thing for which the distresse is. *See* more of this, Hornes Mirrour of Iustices lib. 2.

Nativo habendo.

NATIVO habendo is a writ, & it lieth where the villeine or niese of the Lord is gone from him, then the Lord shall have this writ directed to the Sheriffe, that he make the Lord to have his villein or niese with all his goods.

Also in this writ, more villeines or nieses may not be demanded then twaine, but as many villeines or nieses as will, jointly may bring a writ de Libertate probanda.

Also if a villein or niese bring his writ de libertate probanda, before that the Lord bring this writ, then the villeine plaintife shall be in peace till the coming of the Iustices, or else his writ shall not helpe him.

Also if a villein have tarried in an ancient demesne one yeare and a day without claime of the Lord, then hee cannot seise him in the said franchise.

Ne admittas.

NE admittas is a writ directed to the Bishop at the suit of one which is Patron of any Church, and hee doubted that the Bishop will collate on his Clerke, or admit another

moveables d'un autre home, & il est ou loyal ou illoyal. Nam est riens autre que un reasonable distresse accordant al value del chose pur que distresse est fait. Veies plus de ceo, Hornes Mirrour de Iustices lib. 2.

Nativo habendo.

NATIVO habendo est un Brief, & gist lou le villeine ou niese d'un Seignieur est al de luy, donques le Seignieur avera cest brief direct al Vic', que il face le s'ur aver son villeine ou niese ovesque tous ses chateux:

Auxy en cest briefe plusors villeines ou nieses ne purront ce demâdes que deux, mes auxy tants des villeins, ou nieses que voient, joyntint poient porter briefe de Libertate probanda.

Auxy si un niese port briefe de Libertate probanda, avaut que le Seignior port cest brief, donques le villein pl'ou niese ferra en peace j'esque al venue des Iustices, ou autrement son briefe ne luy aydera.

Auxy si un villeine ad demur en auncient demesne per un lan & jour sans claime del seignior, donque il ne poit luy seiser deins le dit franchise.

Ne admittas.

NE admittas est un Briefe direct al Eveque al s'uit de un que est Patron de ascun Eglise, & il doubra que l'evesque voir collate un son Clerke, ou admit un autre Clerke present

The Exposition of

sent per auter home al dit benefice, dōques il que ceo doubta, avera cest Briefe de inhibiter le Viscount de collater ou admitter aucun a son Eglise.

*Non omittas propter
Libertatem.*

Non omittas propter libertatem est un Briefe & gift lou le Viscount retourne sur Brief a luy direct, que il admaund al Bailife de tiel Franchise que aver retourne des Briefes, & il nad servie le Briefe, donques le plaintife avera cest Briefe direct al Viscount, que il luy mesme enter in le Franchise & execute le Briefe le Roy.

Auxy le Viscount garnera le Bailife que il soit devaunt les Justices al jour convenus en le Briefe, & sil ne vient & luy acquite, donques tous les briefe judiciales que passeront hors del Court le Roy durant mesme le plee, seront breifs. *De non omittas, &c.* le Viscount ferra execution de eux pendant cel plee.

Negativa pregnans.

Negativa pregnans est quant un Action ou information ou tiel semblable Suite est port envers un, & le Defendant plead en barre del Action, ou auterment un Negative plee, que nest cy special aunswere al Action, mes que il enclude auxi un Affirmative: Come pur exemple; si en Briefe de

Clerke presented by another man to the same benefice: then he that doubteth it shall have this writ to forbid the Sheriffe to collate or admit any to that Church.

*Non omittas propter
libertatem.*

Non omittas propter libertatem is a writ, and it lyeth where the Sheriffe returneth upon a writ to him directed, that he hath sent to the Bailiffe of such a Franchise which hath returne of writs, & he hath not served the writ, then the plaintife shall have this writ directed to the Sheriffe, that he himselfe enter into the Franchise & execute the Kings writ.

Also the Sheriffe shall warn the Bailiffe that he be before the Justices at that day contained in the writ, & if he come not, & excuse himselfe, then all the writs judiciales which shall passe out of the Kings Court during the same plee, shall be writs. *De non omittas, &c.* & the Sheriffe shall make execution of them hanging that plee.

Negativa pregnans.

Negativa pregnans is when an Action or Information or such like is brought against one, and the Defendant pleadeth in barre of the Action, or otherwise a negative plee, which is not so special an answer to the Action, but that it includeth also an affirmative: As for example; If a writ of

Entre

Entre en casu proviso, brought by him in the reversion upon Alienation by the Tenant for life, supposing that he hath aliened in fee (which is a forfeiture of his estate) & the Tenant to the writ saith, that he hath not aliened in fee. this is a Negative, wherein is included an Affirmative: for although it be true that he hath not aliened in fee, yet it may be that he hath made an Estate in taylor (which is also a forfeiture) and then the entry of him in the reversion is lawfull, &c.

Also in a Quare impedit, the King makes Title to present to a Prebend, for that the Temporalities of the Bishopricke were in his hands by the death of late Bishop, &c. The Defendant saith that it was not void being the temporalities in the kings hands by the death of W. this is a Negative pregnancy, for it may be in the kings hands otherwise then by the death of W. & it sufficeth the king if it be in his hands by any means, &c.

So it is where an Information was brought in the Exchequer against J. S. for that he bought wool between shering time and the assumption such a yeare of J. M. The defendant saith that he did not buy any of J. M. as it is alleadged, &c. this is called a negative pregnancy, for if he bought it of any other, yet he is culpable for the buying.

Entre in casu proviso, port per cestuy en le reversion sur alienation per le Tenant pur vie, supposant que il ad alien en fee (que est un forfeiture de son estate) & le Tenant al Briefe al dit que il nad alien e fee, cest un Negative, en que est include un Affirmative: car nient obstant il soit veray que il nad alien en fee, uncore il poit estre que il ad fait un estate entaile (le quel est auxy un forfeiture) & donques le entry de celuy en le reversion est loyal, &c.

Item en un Quare impedit, le Roy fist Title de presenter a un Prebend, racione que les Temporalities de Levesquerie fuerot en sa mains p le mort d W. nuper Episcopi, &c. Le Defendaunt dit que ne voyda pas esteants les temporalities e les maines del Roy per le mort de W. cest un Negative pregnancy, car il poit estre en les maines del Roy antierment que per le mort de W. & il suffist al Roy si soit en sa maines, &c.

Isint est lou un Information fuit port in Scaccario vers I. S. pur ceo que il achate laines perenter shering temps & assumption tali anno de I. N. Le defendant dit quod non emit de I. N. come il est alleadge, &c. ceo est appelle un negative preignans, car si ceo achate de auter, uncore il est culpable pur acheter.

The Exposition of

Ne iniuste vexes.

NE iniuste vexes, Vide de ceo devant, titulo *Monstraverunt.*

Niese.

Niese est un feme, q̄ est bōde ou un villein feme, mes si il marrie un frankehome, el est per ceo fait frank, pur ceo que el & sa baron sont forsque un person en Ley, & el covient estre de mesme le nature & cōdition en ley a tous entents come sabaron. Mes sa baron est frank a tous entēts sans aucun condition en ley, ou autermēr: & issint per consequens, le feme covient estre, & est franke accordant al nature son franke baron, & donques si el soit un foits franke & cleerement discharge de villenage a toutes entents, el ne poit estre niese apres sans especial act fait per luy, come divorce, ou cōfusions en Court de Record, & ceo est en favour de libertie, & pur ceo un franke feme ne sera villeine p̄ prisel del villeine a sa baron: Mes lour issue sera villeins come lour pere fult, que est contrary a le Ley civile; car la est dit, partus sequitur ventrem.

Bondage ou Villeinage ad son cōmencemēt enter les Hebrewes, & son originall proceeding de Chanaan le firs de Cham, que pur ceo q̄ il avoit derise son pere Noe gisant dissolument q̄ taunt il fait e-trie, fuit punie en son firs

Ne iniuste vexes.

NE iniuste vexes, Looke thercof befoze in the title *Monstraverunt.*

Niese.

Niese is a woman that is bound, or a villeine woman, but if she marry a free man, she is thereby made free, because that she and her husband are but one person in Law, & she ought to be of the same nature & condition in Law to all intents, that her husband is. But her husband is free to all intents without any condition in Law, or otherwise: & so by consequence the wife ought to be, & is free according to the nature of her free husband, & then if she were once free and clearly discharged of bondage to all intents, she cannot be niese after without especiall acte done by her, as divorce, or confession in Court of Record, and that is in favour of liberty, and therefore a free woman shall not be bound by taking of a villeine to her husband: But their issue shall be villeines as their father was, which is contrary to the civil law, for there it is said, The birth followeth the belly.

Bondage or villeinage had beginning amongst the Hebrewes, and his originall proceeding of Chanaan the son of Cham, who because that he had mocked his father Moses to scorn, lying dissolutely when he was drunke, was punished in his sonne

sonne Chanaan with penaltie
of bondage.

Chanaan ovesque penaltie de
bondage.

Nihil dicit.

Nihil dicit.

Nihil dicit is when an Action
is brought against a man,
and the defendant appears,
the plaintife declares, and the
defendant will not answer, or
pleades to the action, and doth
not maintaine his plee, but
makes default, now upon this
default he shall be condemned,
because he saith nothing.

Nihil dicit est quaut un
Action est port envers un
home, & le defendant ap-
peare, & le plaintife declare
& le defendant ne voyle re-
sponder ou pleade al action,
& ne maintenance son plee,
mes fait default, ore sur cest
default, il serra condemne quia
nihil dicit.

Nisi prius.

Nisi prius.

Nisi prius is a writ judiciall,
& lieth when an enquest is
impanelled and returned befoze
the Justices in the bench, then
the plaintife or defendant may
have this writ directed to the
Sherife, him commanding that
he cause the inquest to come be-
fore the Justices in the same
County, at their comming to be
determined, & that for the casting
of the Enquest.

Nisi prius est un Brief judi-
cial, & gist quant lenquest
est impanell & retorne devant
les Justices en banke, donques
le plaintife ou defendant doit
aver cest Briefe direct al vis-
count, luy commandant que
il face venger la Enquest devāt
les Justices en mesme le county
a lour venger la destre deter-
mine, & ceo pur easement del
Enquest.

Nomination.

Nomination.

Nomination is where one
may in right of his manor,
or otherwile, nominate & ap-
point a worthy clerke or man
to a parsonage, vicarage, or such
like spiritual promotion. And
note that this nomination
ought to be to another then the
ordinarie, which other shall pre-
sent him to the ordinarie.

Nomination est lou un poit
in droit de son manor, ou
auterment, nominate & ap-
point un able clerke ou home
al un parsonage, vicarage, ou
tel spiritual promotion. Et
nota que cest nomination doit
estre al auter que lordinary,
que auter luy presentet al ordi-
nary.

Nonability.

Nonability.

Nonability is where an Action
is brought against one, &

Nonability est lou un Action
est port vers luy, &
E e 2 le

The Exposition of

le defendant dit, que le plaintife est non able de suer ascun Action, & demaund judgement sil serra responde. Il y ad 6. causes de Nonabilitie en le plaintife, come sil soit utlage, ou alien ne (mes cest disability est en actions reals & mix solement, & non en actions personals, si non que il soit un alien enemy) ou condemne en *Premunire*, ou professe en un Abbe, Priory, ou Friery, ou excommenge, ou un villeine, & sue son Seignior: mes cest darreine nest plee pur auter q nest Seignior al villeine. Vide de ceo *Lit. lib. 2. cap. 11.*

Non clayme.

N*on clayme* est le omission ou neglect cestuy q doit challenger son droit deins un temps limite, per quel neglect il est ou barre de son droit come a cest jour sur non claime deins cinque ans apres un Fine & droit a luy accrue per lestatute de 4. *H. 7. cap. 24.* ou de son entry per un discent pur default del clayme deins cinq ans apres le disseisin fait per lestatute de 32. *H. 8. cap. 33.*

Non suit.

N*on suit* est le renouner del suit per le plaintife ou demandant quant le matter est en ascun probability pur proceed, come apres le tenant ou defendant ad appeare, &c. Et v. lestatutes 2. *H. 4. cap. 7.* en qx cases home ne poit estre non suit & 23. *H. 8. cap. 15.* &

the Defendant saith, that the plaintife is not able to sue an Action, and demandeth judgement if he shall bee answered: There are six causes of nonability in the plaintife, as if he be an outlaw, or an alien born (but that disability is in actions reals and mixt onely, & not in actions personals, except he be an alien enemy) or condemned in *Premunire*, or professed into an Abbey, Priory, or Friery, or excommunicate, or a villeine, and sueth his Lord: But this last is no plee for another that is not Lord to the villeine. See more hereof *Littleton lib. 2. cap. 11.*

Non clayme.

Non clayme is the omission or neglect of him that ought to challenge his right within a time limited, by which neglect he is either barred of his right as at this day upon non clayme within five yeares after a fine and right to him accrued by the Statute of 4. *H. cap. 24.* or of his entry by a discent for want of clayme within five yeares after the disseisin made by the statute of 32. *H. 8 cap. 33.*

Non suit.

Non suit is the renouncing of a suit by the plaintife, or demandant when the matter is in some probability to proceed, as after that the tenant or defendant hath appeared, &c. And see the statute of 2. *H. 4. cap. 7.* in what cases a man cannot be non suit & 23. *H. 8. c. 15.* & 8. *Eliz.* cap.

cap. 2. & 4. Iac. cap. 3. where hee
that is non suit shall pay costs
to the defendant.

Bare or naked
Contract.

BARE contract, or naked pro=
mise, is where a man bargai=
neth or selleth his lands, or
goods, or promisseth to give to
one mony, or a horse, or to build
a house, or doe such a thing at
such a day, and there is no re=
compence appointed to him for
the doing thereof: As if one say
to another, I sell or give to you
all my lands or goods, and there
is nothing appointed, assigned,
or agreed upon what the other
shall give or pay for it, so that
there is not one thing for ano=
ther, this is a naked contract,
and voyd in law, and for not
performance thereof no action
lyeth, for of a naked contract
commeth no action.

Nuisances.

NVsauns is where any man le=
vieth any well, or stoppeth
any water, or doth any thing
upon his owne ground, to the
unlawfull hurt or annoyance of
his neighbour, he that is grie=
ved may have thereof an Assise
Nusans. And if he that makes
the Nusans alien the land to
another, then this writ shall be
brought against them both, as it
appeareth by the Statute West.
2. cap. 24.

8. Eliz. cap. 2. & 4. Iac. cap. 3. lou
cestuy est non suit payera costs
al defendant.

Nude Contract.

NVde Contract, ou nude
promise, est lou un ho=
me bargaine ou vende ses
terres, ou biens, ou promise
pur done al auter mony, ou un
chival, ou a edifier un meason,
ou faire tiel chose a tiel jour, et
la est nul recompence appoint
a luy pur le faire de ceo:
Come si un dit al auter, Ieo
vende ou done a vous tous
mes terres ou biens, & la est
nul chose appoint, assigne, ou
agree que l'auter donera, ne
payera pur ceo, issint que il
nad quid pro quo, cest un nude
contract, & voyd en ley, & pur
non performance de ceo nul
action gist, car, Ex nudo pacto
non oritur actio.

Nuisances.

NVsauns est lou ascun ho=
me levie ascun mure, ou
estoppe ascun ewe, ou fait
ascun chose sur son terres
demesne, al annoyance son
prochein, cestuy que est greue
avera ent un bre appel Assise
de Nusans. Auxy si il que fist
le nusans alien la fre a un au=
ter, donques cest briefe serra
port envers ambideux, come
appiert per le Statute West.
2. cap. 24.

The Exposition of

Nuper obiit.

N*Vper obiit* est un Brieſe, & giſt lou un ad pluſours heires, ceſtaſcavoire, pluſours files, ou pluſours ſits ſil ſoit en Gavelkind en Kent, & devie ſeiſie, un heire entra en tout la ſre, & donques les auters que ſont tenns de hors, averont ceſt brieſe vers le coheire que eſt deins. Mes brieſe de *Rationabili parte* giſt en tiel caſe ou lanceſtor fuit un ſoirs ſeiſie, & ne moruſt ſeiſie de poſſeſſion, mes del reverſion.

Nuper obiit.

N*Vper obiit* is a writ, and it lieth where one hath many heires, that is to ſay, many daughters, or many ſonnes if it be in Gavelkind in Kent, & dieth ſeiſed, and one heire entreth into all the land, then the other that hee holdeth out, ſhall have this writ againſt the coheire that is in. But a writ of *Rationabili parte* lieth in ſuch caſe where the anceſtor was once ſeiſed, & died not ſeiſed of the poſſeſſion, but in reverſion.

O.

Odio & Atia.

O*dia & Atia* eſt un vieux brief mention en leſtature de *weſt.* 1. fait en 3. E. 1. c. 11. & fuit direct al viſcount pur inquire, ſi home comiſe al priſon ſur ſuſpition del murder, fuit commiſe ſur un juſt ſuſpition ou pur malice ſollement. Et ſi ſur enquire fuit trove que ne fuit culpable, adonques un auter brieſe venuſt al viſcount pur luy bayler. Mes ceſt courſe eſt ore rolle per leſtature de 28. E. 3. cap. 9. come appierr en *Stamfords pl. cor. fol. 77. G. & v. Coke lib. 9. fol. 56. a. b.*

Ordæl.

O*rdæl* eſt tant a dire come *expers criminis*, & fuit

O.

Odio & Atia.

O*dia & Atia* is an old writ mentioned in the ſtatute of *Westm.* 1. made in 3. E. 1. c. 11. it was directed unto the ſherife to inquire whether a man comitted unto priſon upon ſuſpition of murder were committed upon juſt cauſe of ſuſpition or for malice onely. And if upon an inquiſitiõ it were found that hee were not guilty, then there came another writ to the ſherife to bayle him. But now that courſe is taken away by the ſtat. of 28. E. 3. c. 9. as it appears in *Stamfords pl. of the Crown f. 77. G. & ſee Coke 9. book f. 56. a. b.*

Ordæl.

O*rdæl* is as much to ſay, as *Not guilty*, and was an ancient

ancient manner of triall in criminall causes, for when the defendant being arraigned, pleaded Not guilty, he might choose whether he would put himselfe upon God & the country, which is upon the verdict of twelue men, as they are at this day, or upon God only, & therefore it was called, The judgment of God, presuming that God would deliver the innocent, & that was if he were of free estate by fire, that is to say, To goe barefoot over nine Plowshares fire hot: & if he escaped unhurt, then he should be acquitted, & if not, then he should be condemned: And if the party were of servile condition, then he should be tried by Water, which was in others manners: For which see Lambert, word Ordalium. But now this Triall is prohibited by Parliament: See Coke lib. 9. fol. 32. b.

Ordelse.

Ordelse is where any claimes to have the Ore that is found in the soile or ground.

Ordinary.

Ordinary is a terme of the Civill Law & there signifies any Judge that hath authority to take consance of causes in his owne right & not by deputation. But in the common Law it is properly taken for the Bishop of the Dioces, who is the true ordinary to certifie excommunications and couplings in lawfull marriage

ancient manner de trial en criminall causes, car quant le defendant esteant arraine, plede rien culpable, il puit eslier le quel il voet mitter lue mesme sur Dieu & le Pais, que est sur le verdict de douze homes, come ils sont ielsque a cest jour, ou sur Dieu solement, & purceo fuit appel *iudicium Dei*, presumant que dieu voile deliver le innocent, cestascavoir, sil fuit de franke estate, donques per feu, cestascavoir, A passera ouster nove vomeres ignitos nudis pedibus: Et sil escape *illesus*, donque il serra acquite, & sil nemy, il serra condemne: Et si le partie fuit d'un servile condition, donque il serra trye per ewe, que fuit en divers manners: Pur queux veies Lambert, verbo *Ordalium*. Mes jammes cest trial est ouste per Parlement. Veies *Coke lib. 9. fol. 32. b.*

Ordelse.

Ordelse est lou un claime de aver le Ore que est trove en son soile ou terre.

Ordinary.

Ordinary (*ordinarius*) est un terme del civil ley & en ceo signifie ascun Judge que ad authority per prender consance de causes en son droit dem & nemy per deputation. Mes en le common ley est properment prise pur levesque de chescun dioces que est le voier Ordinary pur certifier excommunications, copulation en

The Exposition of

loyal matrimony, & tiels ecclesiasticall & spirituall acts deins ses Dioces as Judges del common Ley, car il est le party a que le Court doit escrier sur tiels occasions. Et uncore cest parol Ordinary est usualment prise en le common Ley & les statutes pur chescun commissaire ou official del Evesque ou auter Judge ecclesiasticall que ad Judiciall authority deins son Jurisdiction, come appiert en *Coke l. 9. Henst. c. 36. b. & lestat. westm. 2. c. 19. & 31. E. 3. c. 11. & plufors auters.*

Ouster le mayne.

Ouster le mayne (Amoveas manum) est un Briefe que est direct al Escheator pur deliver seisin ou possession hors des maines le Roy al party que sue le briefe pur ceo que les terres seises ne sont tenus del Roy, ou pur ceo il ne doit au le gard de eux, ou pur ceo que le title le Roy est determine, &c. Est auxy le Judgement que est done en un Monstrance de droit, ou sur un Travers ou petition, car quant appiert sur le matter discussie que le Roy nad droit ou Title al chose que il seise, adonque Judgement serra done que les maines le Roy sont oustes, Et sur ceo un Amoveas manum sef agard al Escheator, que est taint, sicome Judgement fuit done que le party averoit son terre arere. Et vies pur ceo *Stamford Prærog. cap. 24.*

& such Ecclesiasticall & spirituall acts within his Diocesse to the Judges of the comon Law, for he is the party to whom the Court ought to write upon such occasions. And yet this word Ordinary is usually taken in the Comon Law, & in the Statutes for every Commisary or Officia'l of the Bishop or other Judge Ecclesiasticall that hath Judiciall Authority within his Jurisdiction, as appears in *Coke l. 9. f. 36. b. & the Statutes of Westm. 2. c. 19. & 31. E. 3. c. 11. and many others.*

Ouster le maine.

Ouster le maine is a writ that is directed unto the Escheator to deliver seisin or possession out of the Kings hands unto the party that sues the writ, for that that the lands seised are not holden of the King, or for that hee ought not to have the Wardship of them, or for that the Kings title is determined, &c. It is also the Judgment that is given in a Monstrance de droit, or upon a Traverse or petition, for when it appears upon the matter discussed that the King hath no right or title to the thing that he seised, then Judgment shall be given that the Kings hands be amoved, & thereupon an Amoveas manum shall be awarded to the Escheator, which is as much as if Judgment were given that the party should have his lands againe. And see for this *Stamf. Prærog. cap. 24.*

Outfang-

Outfangtheefe.

Outfangtheefe, that is, that chaves oz felons of your Land, oz fæ, out of your land, oz let, taken with felony oz stealing, shall be brought backe to your Court and there judged.

Owelty.

OWelty is when there is Lord, Mesne, and Tenant, and the Tenant holdeth of the Mesne by the same Service that the Mesne holdeth over of the Lord above him. As if the tenant hold of the Mesne by Homage, fealty, and xx. s. of Rent yearly, and the Mesne holdeth over of the Lord above by Homage, fealty, and xx. s. rent also, that is called Owelty of services.

Hearing of Records,
and Deeds, &c.

Hearing of Records and Deeds is, as for example: an Action of Debt be brought against a man upon an obligation, and the defendant appeares to the action, and then prayeth that he may heare the obligation where-with the plaintife chargeth him.

So it is when as Executors bring an Action of Debt, and the defendant demaundeth to heare the Testament upon this demaund it shal be read unto the defendant: But if it bee in another Terme, oz after that the defendant hath imparled, then he shal not heare it. And so as is said of Deeds, is to be understood

Outfangtheefe.

Outfangtheefe, hoc est, quod Latrones de terra vestra, vel feodo vestro, extra tñā vestrā, vel feodū vestrū capti cum latrocinio, ad curiam vestrā revertant, & ibid̄ judicentur.

Owelty.

OWelty est quānt il y ad Seignieur, Mesne, & Tenant, & le Tenant tient del Mesne per mesmeles Services que le Mesne tient ouster de le Seignieur Paramount: come si le Tenaunt tient del Mesne per homage, fealty, & xx. s. de Rent annuelment, & le mesne tient ouster de le Seignior Paramount per homage, fealty, & xx. s. Rent auxy, cest est appelle Owelty de Services.

Oier de Records &
Faits, &c.

Oier de Records & Faits, est siccome pur example: an Action de Dette soit port envers un home sur un obligation, & le defendant appeare al Action, & donques prie que il poet oier le obligation ovesq; que le plaintife charge luy.

Ilsint est quant Executors port un Action de Dette, & le Defendant demaund oier del Testament, sur cest demaund il serra lye al defendant: Mes si soit en un autre terme, ou apres que le defendant ad imparle, dōques il naverā le oier. Et ilsint come est dit de Faits, est destē entende de Records que

The Exposition of

que sont alleadged envers luy. Veies le Title *Monstrans de faits*.

of Records that are alleadged against him. See the Title Shewing of deeds.

Oyer & Terminer.

Oyer & Terminer est Briefe appel en Latin de *Audiendo & Terminando*, & gist qu'aunt ascun graund ou soudaine insurrection est fait, ou ascun autre soudaine transgression que requierir hasty reformation, donques le Roy directera un Commission a certain gens & Justices de *Audiendo & Terminando*.

Nota que les Justices de Assise ont un Commission de Oyer & Determiner, direct al eux, & divers autres inhabitants deins les Counties, as queux leur Circuit extende dont chescun de les Justices de Assise sont del *Quorum*, pur le meulx Oyer & determiner de divers offences queux poient avener en leur Circuits, quel sauns cel Commission, eux ne poient faire. Veies *Fitz. N. B.* fo. 110. B.

Oyer & Terminer.

Oyer & Terminer is a writ called in Latin, de *Audiendo & Terminando*, and it lieth where any great or sudden insurrection is made, or any other sudden trespass which requiereth hasty reformation, then the King shall direct a Commission to certayne men and Justices to heare and to determine the same.

Note that the Justices of Assise have also one Commission of Oyer and Determiner directed to them, and divers other inhabitants within the Shires whereunto their Circuit extendeth, whereof each of the Justices of Assise are of the *Quorum*, for the hearing & determining of divers offences, which may happen in their Circuit, which without the Commission they could not do. See *Fitz. n. b.* fol. 110. b.

P.

Paine fort & dure.

Paine fort & dure est un particulier punisshment pur tiels q'esteant arraign pur Felony, refusent de mitter eux mesmes sur le usual trial de Dieu & le Pays, & p ceo s'ont mute ou come mute & Ley: Veies ceo a large en *Stamf. pl. Cor. f. 150.*

P.

Paine fort & dure.

Paine fort & dure is an especial punisshment for such as being arraigned for felony, refuse to put themselves upon the common tryall of God & the Countrey, & thereby are mute, or as mute in Law: See this at large in *Stamford, Pl. Cor. f. 150.*

Pan-

Pannell.

PAnnell comes of the French word (panne) that is a skin or paneau, that is, a pèce or pane, & it signifies in our common Law a Schedule or rolle, containing the names of the Jurors which the Sheriffe hath returned to passe upon any trial. And therefore the empanelling of the Jury is nothing but the entring of their names into the Sheriffes roll.

Pape.

PApe is an auncient name falsely arrogated, or proudly usurped by the Bishop of the onely City of Rome in Italy, and is commonly Englished the Pope, a name truly much frequent in our ancient ycare books, especially in the times of those Kings, who too much abandoning their imperiall authority, & abasing themselves farre beneath their Estate, were not ashamed to suffer an Alien, and an Outlandish Bishop, that dwelt above sixtē hundred miles from them, to be Sovereaigne over them in their owne Dominions, and to take from them not onely the disposition of certayne small trifles of none account, but also the nominations of Archbishops, Bishops, Abbots, Deanes, Provosts, appropriations of Benefices, presentations to Parsonages, Vicarages, & generally of all spirituall persons to their preferments, som-

Pannel.

Pannel venust dell parol Francois (panne) id est, pellis ou (pancan) id est, parcella, & signifie en nostre common ley un Schedule ou rolle, que conteyne les nosmes des Jurors quex le Viscount ad retourne de passer sur ascun trial. Et pur ceo le impanneler del Jury nest riens forsque le entry de lour nosmes en le rolle le Viscount.

Pape.

PApe est un auncient nosme fausement arrogate, ou haultemēt usurpe per le Evêque de l' sole Citie de Rome en Italy, & est communement appel en Anglois, le Pope, un nosme verament mult fréquent en nostre auncient annels Livres, specialment en le temps d' ceux Roys, queux grandmēt abandonnaunts lour imperiall auctority, & abasaunts eux mesmes malt debasē lour estate ne fueront hont d' suffer un alié & outlandish Evêque que inhabit ouster mille & cinque cent miles de eux, de estre Sovereaigne de hault eux en lour Dominions demesne, & de tol-ler de eux non solement le disposition de certain petit trifles de nul account, mes auxy le nomination de Archevesques, Evêques, Abbots, Deanes, Provostes, appropriations de Benefices, presentations al Parsonages, Vicarages, & generalment de tous spirituals persons

The Exposition of

sons a lour preferment, ascun temps per laps, & ascun temps per provision, ou autrement, per q̄ le Prerogative del roys fuit mult abrige deins lour Realmes demesne. Pur le repression de quel divers statuts ontestre fait, mes nul sufficient remedy tantque Roy H. le 8. tout austerment reject eel juge del luy & ses subjects.

Paramount.

Paramount est un paroll cōpound des deux parols Frācois (par, id est per, & mōter, id est, ascendere) & signifie en nost' ley le plus hault Sn̄ del fee. Et pur le melieur entelligence de ceo v. *Fit. n. b. f.* 135. M. en son brieve de Mesne.

Paravaile.

Paravaile est un parol que auxy est cōpound des deux parols Frañ (par, id est, per, & avaler, id est, demittere) & signifie en nostre ley le plus basse tenant del fee, q̄ est tenant al un que tenuist ouster d'l autre: v. p̄ le use de cest parol *Fit. n. b.* en son brief de mesne f. 135. M.

Parceners.

Parceners sont selonque de course de Common Ley, selonque le custome, Parceners selonque le Common Ley sont lou un seise de un estate de enheritance des Tenements ad issue forsque filles & devie, & les Tenements discendent a les filles, donque ils sont appelle Par-

times by laps, and sometimes by provision, or otherwise, whereby the Kings Princely Prerogative was very much abridged within their owne Realmes. For the repressing wherof divers Statutes were made, but no sufficient remedy untill King Henr. the 8. did cast off their yoke for him and his subjects.

Paramount.

Paramount is a word compounded of two French words (Par & Monter) and it signifies in our Law, the highest Lord of the fee. And for the better understanding of this see *Fitz. N. B.* 135. M. in his writ of Mesne.

Paravaile.

Paravaile is a word that is also compounded of two French words (Par & avaler) and signifies in our Law the lowest tenant of the fee, who is tenant to ens that holdeth over of another: See for the use of this word *Fitz. N. B.* in his writ of Mesne fol. 135. M.

Parceners.

Parceners are according to the course of the common Law, and according to the custome. Parceners according to the common Law, are where one seised of an estate of inheritance of tenements, hath no issue but daughters, & dith, & the tenements discend to the daughters, then they be called Parceners,

ners, and are but as one heire. The same law is, if he have not any issue, and that his sisters should be his heires. But if a man have but one daughter, she is not called Parcener, but she is called the daughter and heire. And if there be no daughters nor sisters, the Land shall descend to the Aunts, and they be called Parceners.

Also when lands descend to divers Parceners, they may make partition between themselves by agreement, but if any of them wil not make partition, then the other or the others shall have a *Writ de Partitione facienda* directed to the Sheriffe, who shall make partition between them by the oath of xii. lawfull men of the Bayliwike.

Also partition by agreement may be made by the law, as well by word without deed, as by deed. And if they be of full age, the partition shall remaine for ever, and shall not at any time be defeated.

But if the Lands be to them in the taile, & though that they are concluded during their lives, yet the issue of him which hath the lesser part in value, may disagree from the partition, & enter and occupy in common with the other part. And also if the husbands of the Parceners make partition, when the husband dieth the wife may disagree from the partition. Also if the Parcener which is with-in age maketh partition, when she cometh to full age she may

encers, & sount forsque un heire. Mesme le Ley est, si ney aucun issue, & que les soers serroyent les heires. Mes si home ad forsque un file, el nest dit Parcener, mes el est dit la file & la heire. Et si ne sount files ne soers, les Terres descenderount a les aunts, & els sont appels Parceners.

Auxy quaut Terres descendent a divers Parceners, els poyent fayre partition enter eux per agreement, mes si ascū de eux ne voilent fayre partition, donques l'auter ou les autres averont un *Briefe de Partitione facienda* direct al Viscount, q̄ serra partition enter eux per le serement de xii loyals homes de sa Bayliwike.

Auxy partition per agreement poit este fait per le Ley, auxibien per parol sauns fait come per fait. Et si ils sont de pleine age, le partition tous jours demurrera, & ne serra uques desere.

Mes si les Terres sont a eux en le Taile, & coment que ils sont concludes durant leur vies, uncore le issue cestuy que ad le meinder part en value poit disagree a le partition, & enter & occuper en commun ovesque l'auter part. Et auxy si les barons des Parceners font partition, quant le baron devie, la feme poit disagree a la partition. Auxy si le Parcener que est deins age fait partition, quant il vient a son plein age, el poit disagreeer.

The Exposition of

disagrec. Mes el covient byen garder quaut el vient a son plein age q il ne preigne tous les profits a son use demesne des terres que fueront a luy allottes, car donques el soy agree al le partition, & le plein age serri tous foites entende al age de xxi. ans.

Auxy si sont divers Parceners que ont fait partition entre eux, & le part de un soit recover vers luy per tile loyal, donques en compellera les autres de faire novel partition.

Auxy ils sont Parceners lorsque le custome, lou home est seise de Terres en Gavelkind, come en Kent, & auters lieux franchises, & adissue divers firs & devle, donqs l's firs sont Parceners per le custome;

Partition.

Partition est un division de Terrés descendus per le Common Ley, ou per Custome perenter Coheires ou Parceners, ou ils sont deux al meines, soient ils firs, files, soers, aunts, ou auterment de kinne al auncestour de que le Terre descende al eux.

Et cest Partition est fait quatuor voies pur le pluis part, de que troies sont al pleasure, & per agreement perenter eux, le quart est per compulsion.

Vn Partition per agreement, est quaut ils mesmes divide le terre equalmēt en tants parts come la sont de eux coparceners, & chescun de eslier un share, ou part, l'eigne primem

disagrec. But shee must take good heed when she cometh to her full age, that shee take not all the profits to her own use of the lands which were to be allotted, for then shee agreeth to the partition, and the age shall alway be intended the age of one and twenty yeares.

Also if there be divers Parceners that have made partition between them, & one of their parts bee recovered by lawfull title, then shee shall compell the other to make a new partition.

Also they are Parceners according to custome. Where a man is seised of lands in Gavelkind, as in Kent, & in other places franchised, & hath issue divers sons, & die, then the sons are Parceners by custome.

Partition.

Partition is a dividing of lands descended by the common Law, or by custome among Coheires or Parceners, where there be two at the least, whether they be sons, daughters, sisters, aunts, or other wise of kin to the auncestour from whō the land descende to them.

And this Partition is made foure wayes for the most part, whereof thre are at pleasure, & by agreement among them, the fourth is by compulsion.

One partition by agreement, is when they themselves divide the land equally into so many parts as there be of them Coparceners, & each to chuse one share or part, the eldest first, and

& so the one after the other, as they bee of age, except that the eldest by consent made the partition, then the choice belongeth to the next, and so to the eldest last, according as it is said: Who so maketh the partition, the other must have the choice.

Another partition by agreement, is when they chuse certaine of their friends to make division for them.

The third partition by agreement is, by drawing of Lots, thus: first to divide the Land into so many parts as there be parceners, then to write every part severally in a little scroll or peece of paper, or parchment, and to put the same scroll up close into a hat, or cap, or other such like thing, and the each parcener, one after another as they bee of age, to draw out thereof one peece or scroll wherein is written a part of the Land, which by this drawing is now severally allotted unto them in fee simple.

The fourth partition which is by compulsion, is when one or some of the coparceners would have partition, & other some will not agree thereto, then they that so would have partition may bring a writ De partitione facienda against the others that would not make partition, by vertue whereof they shall be compelled to depart, &c.

In Kent where the lands are of Gavelkind nature, they call at this day their partition Shifting, even the same word that

& issint l' un apres l'auter, cōe ils sont de age, si non que le eigne per consent fait le partition donques le election appartient al procheine, & issint al eigne d'arreinement accordaunt come il est dit: *Cujus est divisio, alterius est electio.*

Vn autre partition per agreement est, quant ils eslient certaine de leur amis de faire division pur eux.

Le tierce partition per agreement est, per trahens de Lots, issint: Primerment de divider le Terre in taunts des parts come la sont parceners, donques a scribe chescū part severalement en un petit scroll, ou peece de paper ou parchmēt, & de mitter ceux scrolls close en ū hat, cap, ou autre tiel semblable chose, & donques chescū parcener, un apres autre come ils sont de age, a traher hors d' ceo un peece ou scroll en que est escript un part del terre, q per cest trahens est ore severalement allotte a eux & fee simple.

Le quart partition que est per compulsion, est lou un ou ascū de les coparceners voylēt aver partition, & autres ne voilent agreeer a ceo donq̄ ceux que issint voilent aver partition poient porter un Brief De partitione facienda envers les autres queux ne voilent faire partition, per vertue de quel ils seront compel departer, &c.

En Kent lou les Terres sont de Gavelkind nature, ils appel a cest jour leur partition Shifting, il mesme parol que les Saxons

The Exposition of

Saxons use, nosmements *Shif-tan*, que signifie pur faire partition perenter coheires, & pur assigner a chescun de eux leur portion. En Latin est appelle *Herciscere*.

Partition auxy poit estre fait per Jointen ants ou tenants en common der leur assent, per fait enter eux, ou per brieve per les statutes de 31. H. 8. ca. 1. & 32. H. 8. cap. 32.

Parco fracto.

Parco fracto est un brieve q̄ gist vers cestuy que infreint aucun pound & prist hors de ceo alguns avers quex sont la loyalment impounds. Veies de ceo *Fitz. N. B. fol. 100. E.*

Parson impersonae.

Parson impersonae est cestuy q̄ est en possession dū Eglise appropriate, ou presentative, car ilsint est use en ambideux cases en *Dyer f. 40. b. & f. 221. b.*

Parties.

Parties al fine ou fait, sont ceux queux sont nosmes en faits ou fines come parties a ceo, come ceux queux levy le fine, & auxy ils a que le fine est levy. Et ils que sont un fait de feoffement, & ils a que il est fait sont appellees parties al fait, & ilsint en auters semblables cases.

Nota que si un Indenture soit fait enter deux come parties a ceo en le commencement, & en le fait un de eux graunt ou lessa un chose al un

the Saxons used, namely *Shif-tan*, which signifieth to make betwene coheires partition, & to assigne to each of them their portion. In Latin it is called *Herciscere*.

Partition also may be made by Jointenants, or tenants in common by their assent, by deed betwene them, or by writ by the statutes of 31. H. 8. c. 1. and 32. H. 8. cap. 32.

Parco fracto.

Parco fracto is a writ that lies against him that breaks any pound and takes out the beasts which are there lawfully impounded. See of this *Fitz. N. B. fol. 100. E.*

Parson impersonae.

Parson impersonae is he that is in possession of a Church appropriate, or presentative, for so it is used in both cases in *Dyer fol. 40. b. and 221. b.*

Parties.

Parties to a fine or deed, are those which are named in deeds, or fines as parties to it, as those that lethe the same fine, and also they to whom the fine is lethed. And they that make a deed of feoffment, and they to whom it is made, are called parties to the deed, and so in many other like cases.

Note that if an Indenture be made betwene two as parties thereto in the beginning, and in the deed one of them granteth or letteth a thing to another, that

is not named in the beginning, he is not party to the deed, nor shall take any thing thereby.

Passport.

Passport is a word mentioned in the statute of 2. E. 6. c. 2. & signifies a licence made by any that hath authority for the safe passage of any man from one place to another.

Pannage or pawnage.

Pannage or pawnage is that money which the Agistors of forests do gather for the feeding of Hogs within the forest, & it is also taken for all manner of mast of trees within the forest on which the Hogs do feed. See Manw. For. Lawes c. 12. f. 95. a.

Patron.

Patron is he that hath the advowson of a Parsonage, Vicarage, Free-chappell, or such like Spirituall promotion belonging to his Manor, or otherwise in grosse, and thereby may or ought to give the same benefice, or present thereto. When and as often as it falleth voyde. And this being Patron or Patronage. had beginning for the most part by one of these three wayes, namely, either by reason of the Foundation, for that the Patron or his Ancestors, or those from whom hee claimes were founders or builders of the Church, or by reason of donation. for that they did endowe or give lands to the same for maintenance thereof,

auter que nest nosme en le commencement, il nest party al fait, ne prendera riens per ceo.

Passport.

Passport est un parol mention en le statute 2. E. 6. cap. 2. & signifie un licence fait per ascun que ad authority pur le safe passage dascun home del un lieu ai auter.

Pannage ou pawnage.

Pannage ou pawnage (pānagium) est ceo argent q̄ les Agistors d̄s forests collect pur le foder des porcelz deins le forest, & est auxy prise pur tous maners d̄l mast des arbres deins le for, d̄ q̄ les porcelz feed. Veies Man. for. leys, c. 12. f. 90. a.

Patron.

Patron est celuy que ad le advowson de un parsonage, Vicarage, Frank chappell, ou tiels semblable Spirituall promotions appartient a son manor, ou autrement é grosse, & per ceo poit ou doit doner mesme le benefice, ou present a ceo quaut, & cy tost que il devient voyde. Et cest estant Patron ou Patronage ad commencement pur le plus part per un de ceux troies voyes, nosmement ou *ratione fundationis*, pur ceo que le Patron ou ses Auncestors, ou ceux d̄ que il claime fueront founder ou edifiers de le Eglise ou *ratione donationis*, pur ceo que ils endowe ou done Terres al ceo pur maintenance, ou autrement

The Exposition of

ratione fundi, pur ceo que le Esglise fuit mis ou edifie sur lour soile ou terre. Et divers temps per reason de ils tous troies.

Perquisites.

Perquisites sont advantages & profits queux vint al un Manor per casualty, & non annuellement, come Escheats, Harriots, Relieves, Waifes, Estrayes, Forfeitures, Amerciaments en courts, gards, Mariages, biens, & terres purchase per villeins de le manor, fines d'il copiholds, & divers seblables choses qu' ne sont certain, mes happe p chance, ascū temps plus oftē q a auter tēp. Vide Perkins fol. 20. & 21.

Perambulatione facienda.

Perambulatione facienda, est un Brieft, & gift lou ij. Seigniorie gisent un pres lauter, & ascun encroachment est fait per long temps, donques per assent de ambid Seigniors, le Viscount prendra ovesque lue les parties & les vicines, & fieront perambulation, & fieront les meues come ils fueront a devant. Mes si un Seignior encroach sur lauter & ne voile faire perambulation, donques le Seignior ifint grece avera brieft vers lauter, que est appelle de *Rationalibus divis.*

Peeres.

Peeres est un parol que en nostre Ley signifie ceux

oz else by reason of the ground because the Church was set oz builded upon their Soile oz ground: And many times by reason of them all thre.

Perquisites.

Perquisites are advantages & profits that come to a manor by casualty, and not yearly, as Escheats, Harriots, Relieves, Waifes, Estrayes, Forfeitures, Amerciaments in Courts, Mariages, goods, and lands purchased by villeins of the same Manor, fines of copyholds, and divers other like things that are not certaine, but happen by chance, sometimes more often than at other times. See Perkins f. 20. & 21.

Perambulatione facienda.

Perambulatione facienda, is a writ, and it lieth where two Lordships lie one nigh another, and some encroachment is made by long time, then by assent of both Lords, the Sheriffe shall take with him the parties and the neighbours, and shall make perambulation, and shall make the bounds as they were before. But if a Lord encroch upon another, and he will not make perambulation, then the Lord so grieved shall have a writ against the other, which is called de *Rationalibus divis.*

Peeres.

Peeres, is a word that in our Law signifies those that are

are impanelled in an Enquest upon any man for the convicting or clearing him of any offence for which he is called in question, the reason of which appellation of the Jury is for that *Pæres* is a French word that comes from the Latine (*Pares*) that is *Equalls*. And the custome of our Nation is to try every man by his *Equalls*, that is to say, by his *Pæres*, and so it appeares by the Statutes of Magna Charta c. 29. & West. 1. c. 6. This word is also used for the Nobility of the Realme and Lords of the Parliament, who are called the *Pæres* of the Realme. And of that see *Stamf. pl. of the Crowne lib. 3. c. 1. f. 152.*

Perinde valere.

Perinde valere is a terme that belongs to the Ecclesiasticall Law, and it signifies a Dispensation granted to a Clerke, who not being capable of a benefice or other Ecclesiasticall function is de facto admitted to it. And it hath the name from the words which make the faculty as effectual to the party as if he were actually capable of the thing for which he hath his dispensation at the time of his admittance.

Per quæ servitia.

Per quæ servitia is a Court Judicall and goes out upon the note of a fine, and it lies for the consue of a Manor or Seigniorie, to compell him

que sont impanels en un Enquest sur aucun home pur le convicter au acquiter d' luy de aucun offence pur que il est en question. Le reason de quel appellation del Jury est pur ceo que *Pæres* est un parol Francois, que venust del Latin (*Pares*) id est, *egalls*. Et le custome de nost' Nation est pur trier chescun home per ses *egalls*, cestascavoire, per ses *peeres*, & issint appiert per le statutes de *Mag. Charta. cap. 29.* & *West. 1. cap. 6.* Cest parol est anxy use pur le Nobility del Realme, & les Seigniors del Parliament quex sont appellees les *Pæres* del Realme. Et de ceo veies *Stamf. pl. coron. lib. 3. cap. 1. fo. 152.*

Perinde valere.

Perinde valere est un terme que appartient al ley ecclesiasticall, & signifie un dispensation graunt al un Clerke, que nestant capable dun benefice ou auter ecclesiasticall function est de facto a ceo admit. Et avoit cest appellation des parols que font le faculty cy effectual al party sicome il fuit actualment capable del chose pur que il ad son dispensation al temps de son admittance.

Per quæ servitia.

Per quæ servitia est un brief judiciall que issint del note d'un fine, & gist pur l' consuee dun manor ou Seigniorie, pur compell cestuy q est

The Exposition of

enant del terre al temps del
fine levie per attourne a luy.
Et de cest brieve veies vieux
n.b. 170. a.

Petit Cape.

P*etit Cape* est est un Brieve,
& gist quaut ascun ac-
tion reall, cestascavoire,
de plee de terre est port, &
le Tenant appeare, & puis
fait default, donques issira
cest Brieve de *Petit Cape*, de
seiser les terres in maines le
Roy: Mes si ne apperē, mes
fait default al primer sum-
mons, donques issira un
Grand cape, & pur ciel de-
fault le Tenant perdra la ter-
re, mes sil gage son ley de non
summons, ils savor son default,
& denques il poit pleade ovef-
que le demaundant. Et in
Grand cape le Tenaunt serra
summon pur responder al de-
fault, & ouster al demaun-
dant. Mes en *Petit cape* il
serra summon pur responder
al default solement. & nemy
al demaundant. Et est appelle
Petit cape, pur ceo q̄ il ad mi-
nus en cel brieve, q̄ en lauter.

Petit Serjeanty.

T*ener per Petit Serjeanty*,
est sicome un home tient
de Roy terres ou tenements,
rendaunt a luy un cuttel, un
escue, un serf, un arke sauns
cord, ou auter semble service,
a la volunt le primer Feoffor,
& la nappent gart, marriage,
ne reliefe. Et nota que home
ne poit tener per grand Ser-

that is tenant of the land at the
time of the fine leyed to attourn
to him. And of this writ see the
old N. B. f. 170. a.

Petit Cape.

P*etit Cape* is a writ, and it
lyeth when any Action reall,
that is to say, of ple of Land,
is brought, and the tenant
appeareth, and after ward ma-
keth default, then this writ of
Petit Cape shall go forth to seise
the lands into the kings hands:
But if he appeare not, but ma-
keth default at the first sum-
mons, then a *Grand cape* shall
goe forth, and for such default
the Tenant shall lose the land,
but if he wage his Law of non
summons, he shall save his de-
fault, and then he may plead
with the demaundant. And in
Grand cape the Tenant shall be
summoned to answer to the de-
fault, and further to the deman-
dant: But in *Petit cape* he shall
be summoned to answer to the
default only, & not to the de-
mandant. And it is called *Petit*
cap, for that there is lesse in
this writ, than in the other.

Petit Sericanty.

T*hold by Petit Sericanty*,
is as if a man hold of the
King lands or tenements, yel-
ding to him a kniffe, a buckler, an
arrow, a bow without string,
or other like service, at the will
of the first feoffor, & there be-
longeth not ward, marriage, ne
reliefe. And marke well that a
man may not hold by grand nor
petit

Petit Serjeantie, but of the King.

jeanty, ne per petit Serjeanty si non del Roy.

Picbage.

Picbage is the payment of mony, or the money payd for the breaking of the ground to set up bothes and standings in faires.

Picbage.

Picbage (Picagium) est le payment des deniers ou les deniers paies pur le infreinder del foile pur erecter Tents ou setles en Faïres.

Picle or pitle.

Picle or pitle seemes to come from the Italian (Piccolo, Parvus) and it signifies with us a little small close or inclosure.

Picle ou pitle.

Picle ou pitle semble de ven del Italian (Piccolo, parvus) & signifie avecque nous vn petit close ou inclosure.

Pillory.

Pillory is an engine of punishment ordained by the statute of 51. H. 3. for the punishment of Bakers, but now used for many other offenders.

Pillory.

Pillory est un engine del pénance ordein per le statute de 51. H. 3. pur le punishment des Pistors, mes a ore use pur plusors auters offenders.

Pipowders.

Pipowders is a Court which is incident to every faire, for the determination of differences upon bargaines and disorders therein. See more here of Crom. Jurisdic. f. 229. Coke lib. 10. fol. 73.

Pipowders.

Pipowders est un Court que est incident a chescun faire pur le determination de differences sur cōtract & tous disorders en c' cōmissiō, veies plus de ceo Cromp. Jur. f. fo. 229. Coke lib. 10. fol. 73.

Piscary.

Piscary is a liberty of fishing in an other mans waters.

Piscary.

Piscary est un liberty del pischer en le ewe dun autre.

Placard.

Placard is a word used in the statutes of 33. H. 8. c. 6. & 2. & 3. Ma. c. 9. and it signifies a licence to use unlawfull games or to shoot in a gunne.

Placard.

Placard est un parol use e le statutes de 33. H. 8. ca. 6. & 2. & 3. M. c. 9. & signifie un licence pur user illoyal games ou de shoter en un bombarde.

The Exposition of

Plaintife.

*PL*aintife est celuy q̄ sue ou complainne en un assise ou en un action personal, come en ũ action de det, trespass, disceit & detinue, & tiels semblables.

Pleading.

*PL*eadings sont appellez tous acts del parties al suits apres le count ou declaration, notamment ceo que est containe en le barre, replicat & rejoynđ & non ceo contein en le couit m̄, & p̄ ceo defaults en le matter del count, ne sont comprise deins mispleading, ou insufficient pleading, ne sont remedy per le statute de Jeofailes 32. H. 8. Mes solement ceo mispleading ou insufficient pleading, commit en le bar, replication, & rejoinder, sont la provide. Mes veies que ceux sont auxy ore remedies per le statute 18. Eliz. cap. 13.

Policy del assurance.

*P*olicy del assurance est un course prise per Marchāts pur lassurer d̄s lour adventurs sur le mere, per doner un certaine proportiō p centum pur le securer del safe retourñ del neife & tant des marchandizes sur que est agreee. Ed de ceo poies lier en le statute de 43. Eliz. cap. 12.

Pontage.

*P*ontage est un parol mentiō en divers statutes, come en West. 2. cap. 25. 1. H. 8. cap. 9. &

Plaintife.

*PL*aintife is hee that sueth or complaineth in an Assise, or in an action personal, as in a action of debt, trespass, deceit, detinue, and such other.

Pleading.

*PL*eadings be called all the sayings of the parties to suits after the count or declaration, namely that which is contained in the bar, replication & rejoinder, & not that contained in the count it selfe, & therefore defaults in the matter of that count are not comprised within mispleading, or insufficient pleading. nor are remedied by the statute of Jeofailes. 32. H. 8. But only that mispleading, or insufficient pleading, committed in the bar, replication, and rejoinder are there provided for. But see that those are now remedied also by the statute of 18. Eliz. c. 13.

Policie of Assurance.

*P*olicy of Assurance is a course taken by Merchants for the assuring of their adventures upon the sea, by giving a certaine proportion in the hundred for the securing of the safe returne of the Ship, & so much marchandise as is agreed upon. And of this you may read in the statute of 43. Eliz. c. 12.

Pontage.

*P*ontage is a word mentioned in many statutes: as in West. 2. cap. 25. 1. H. 8. cap. 9. & 39. Eliz. cap.

cap. 24. & it signifies sometimes the contribution that is gathered for the repairing of a bridge, sometimes the toll that is paid by the passengers, to that purpose.

Pone.

POne is a writ whereby a cause depending in the County Court is removed into the common Pleas. See for this Old N. B. fol. 2. a.

Portmoot.

Portmoot is a word used in the statute of 43. Eliz. c. 15. and signifies a court kept in a haven town.

Possession.

Possession is said two waies, either actual possession, or possession in Law.

Actual possession, is when a man entred in deed into lands or tenements to him descended, or otherwise.

Possession in Law, is when lands or tenements are descended to a man, and he hath not as yet really, actually, and in deed entred into them: And it is called possession in Law, because that in the eye & consideration of the Law, he is deemed to be in possession, so far as much as he is tenant to every man's action that will sue concerning the same lands or tenements.

Post disseisin.

Post disseisin. Look for that before in the title Assise.

39. El. c. 24. & signifie ascū foits le contribution collect pur le reparation dun pont, ascun foits le rolle que est pay per passengers a ceo purpose.

Pone.

POne est un briefe per que un cause q̄ depend en le County Court est remove en le common Pleas. V. pur ceo V. N. B. fo. 2. a.

Portmoot.

Portmoot est un parol use en le statute de 43. El. c. 15. & signifies un court tenu en un port ville.

Possession.

Possession est dit deux voies, ou actual possession, ou possession en Ley.

Actual possession, est quant un home enter en fait en fres ou tenements a luy descend, ou autrement.

Possession en ley, est quant terres ou tenements sont descende al un home, & il nad uncore realment, actualment, & en fait enter en eux. Et il est appel' possession en ley, pur ceo que en le oiel, & consideration delley, il est pense desle en possession, entant que il est tenant a chescun action que ascun voit suer concernat mesmes les fres ou tenements.

Post disseisin.

Post disseisin. Vide de ceo devant en le title Assise.

The Exposition of

Postea.

P*ostea* est le record des proceedings sur un tryal per un briefe de *Nisi prius*, que est retourne apres le trial per le Iudge devant que suit trye en le court lou l'action primerment commence, daver judgement la donec sur le verdict: & est appellé le *Postea* per ceo que, &c.

Pounds.

P*ounds* sont en deux sorts, lun Pound overt, le auter Pound close.

Pound overt, est chescun lieu en que un distresse est mis soit ceo common pound, tiels que sont en chescun ville ou Seigniorie, ou soit ceo backside, court, yard, pasture, ou autrement quecunque lou le owner del distresse poit vener a doner eux viand sans offence pur lour esteant la, ou son vener la.

Pound close, est tiel lieu lou le owner del distresse ne poit vener a doner eux viand sans offence, come en un close meason, ou quecunque auter lieu.

Poundage.

P*oundage* est un subsidy al value de doudize deniers é le liver que est graunt al Roy per chescun Merchant sibien denizen come alien pur tous manners des merchandizes exports & imports. Et des tiels

Postea.

P*ostea* is the record of the proceedings upon a t^rial by a writ of *Nisi prius*, which is returned after the t^rial by the Iudge before whom it was tryen into the court where first the suit began, to have judgement there giben upon the verdict: and it is called the *Postea*, because it begins with *Postea* dic & loco, &c.

Pounds.

P*ounds* are in two sorts, the one Pound open, the other close.

Pound open, is every place wherein a distresse is put, whether it be comon pound, such as are in every towne or Lordship, or whether it be backside, court, yard, pasture, or else whatsoever whither the owner of the distresse may come to give them meat and drinke without offence for their being there, or his coming thither.

Pound close, is such a place where the owner of the distresse may not come to give them meat and drinke without offence, as in a close house, or whatsoever else place.

Poundage.

P*oundage* is a subsidy to the value of xii d. in the pound, which is granted to the King by every Merchant, as well denizen as alien, for all manner of merchandize carried out and brought in. And of such subsidy

dies for the statute of 1. & 2. Ed.
6. c. 13. & 1. Jac. c. 33.

subsidies veies lestatutes de
1. & 2. E. 6. c. 13. & 1. Jac. c. 33.

Preamble.

Preamble.

Preamble taketh his name of
the preposition (*præ*) before,
and the verbe (*ambulo*) to goe,
so joyued together, they make a
compound verbe of the first con-
jugation (*præambulo*) to goe be-
fore, and hereof the first part of
beginning of an Act, is called
the preamble of the Act, which
preamble is a key to open the
minds of the makers of the act,
and the mischiefs which they
intend to remedy by the same :
as for example, the statute made
at Westm. the first. the 37. cap.
which giveth an Attaint, the
preamble of which is thus: For
as much as certain people of the
Realm doubt very little to give
false verdicts of oathes, which
they ought not to doe, whereby
many people are disherited, and
lose their right, it is provided, &c.

Preamble ad son nomme de le
præposition (*præ*) devant,
& le verbe (*ambulo*) pur va,
issint joynt ensemble, ils font
un compound verbe de le pri-
mer conjugation (*præambulo*)
p vaer devant, & de ceo le pri-
mer part ou commencement
de un Act, est appelle le pre-
amble de le Act, le quel pre-
amble est un cliffe de overer
les ments del feafors del Act,
& les mischieves que ils enten-
de de remedie p ceo : Come
pur example, le statute fait al
Westm. le primer, le 37. cap.
que done attaint, le preamble
de que est issint : Pur ceo que
ascuns gens de la Terre dou-
tent meins faux serement faire
que faire ne duissent, p q mul-
tes des gens sont disherites, &
perdent leur droit, purvey, &c.

Præmunire.

Præmunire.

Praemunire is a writ, & it ly-
eth where any man saeth any
other in the Spirituall Court,
for any thing that is determi-
nable in the Kings Court, and
that is ordained by certaine sta-
tutes, and great punishment
therefore ordained, as it appea-
reth by the same statutes, viz.
that he shall be out of the kings
protection, and that he be put in
prison without baille or main-
prise, till that he have made
fine at the Kings will, and
that his lands and goods shall

Praemunire est un briefe, &
gist lou ascū home sue as-
cun autre en Court Christian,
pur ascun chose que est deter-
minable en le Court le Roy,
& ceo est ordaine per certaine
Statutes, & grand punish-
ment a ceo ordaine, come ap-
piert per mesme les Statutes,
cestaescavoire, que il serra hors
de protection le Roy, & que
soit mis en prison sans bayle
ou mainprise, tanque il ad fait
fine al volunt le Roy, & que
ses terres & chateaux serront
forfaits

The Exposition of

forfeirs si il ne veigne deins deux mois. Auxy lour provisors, procurators, artornies, executors, notaries, & maintainors, seront punish en mesme le manner, *Ideo vide Statutum.*

Auxy ascuns dient que si un Clerk sue auter home é court de Rome pur chose spiritual, lou il poit auter remedie deins cest Realme en Court son Ordinarie, que il serra en le case de le statute.

Et sur divers auters offences est impose per Statutes depuis fait, le penaltie que eux incurre queux fueront attaints en *praemunire* : Come per 33. *Eliz cap. 8.* ceux que aydout a faire corrupt bargain sur que *Vsurie* est reserve ouster 10. li. pur le hundred en l'an. &c.

Prebend & Prebendary.

P*rebend & Prebendary* sont parols plusors foits uses en nostre livers, & ils veignent del Latine (*Præbeo.*) *Prebend* est ceo part ou portion que chescun member ou Canon dun Cathedral Esglise receive en le droit son lieu pur son maintenance : & *prebendary* est cestuy q̄ avoit tiel *prebend*.

Precipe in capite.

P*recipe in capite* est un brief, & gist lou le tenaunt que tient del Roy en chiefe, come de la Corone, & il est de force, cest adire ouste de son terre, donques il avera cest briefe, &

he forfeit if he come not within two moneths. Also their provisors, procurators, & attornies, executors, notaries, & maintainers, shall be punished in the same manner, therefore looke the Stat.

Also some men say, that if a Clerk sue another man in the Court of Rome, for a thing spiritual, where he may have remedy within the Realme in the court of his Ordinary, that he shall be within the case of the statute.

And upon divers other offences is imposed by statutes lately made, the penalty that they incur which are attainted in *Præmunire* : as by 13. *Eliz. c. 8.* they which are ayding to make a corrupt bargain whereupon *Vsurie* is reserved above the x. li. in hundred in the years, &c.

Prebend and Prebendary.

P*rebend and Prebendary* are termes often used in our books, and they come of the Latine (*præbeo.*) *Prebend* is that portion which every member or canon of a Cathedral Church receiveth in the right of his place for his maintenance : and *Prebendary* is he that hath such a *Prebend*.

Precipe in capite.

P*recipe in capite* is a writ, and it lyeth where the tenant holdeth of the King in chiefe, as of his crowne, and he is deforced that is to say, put out of his lād, then he shall have this writ, & this

this writ shall be close, and shall be pleaded in the common place.

Also if any tenant which holdeth of any Lord be deforced, it behobeth him to sue a writ of right Patent, which shall be determined in the Lords Court. But if the land be holden of the King, the writ of right patent shall be brought to the Kings Court: and this writ may be removed from the Lords court unto the County by a Tolt, & from the County into the Common Place by a Pone: take therfore before in the title Droit.

Preignotary.

PReignotary is a word compound of two french words, (prime & notaire) or of two Latine words (præ & notarius) and it is used in our Law for the chiefe Clerkes of the Kings Courts, wherof there is one in Kings Bench, and three in the Common Place. He in the Kings bench records all actions civil sued in that court: & they of the Common place inroll all declarations, pleadings, & judgments, & make out all judiciall writs, they inroll all fines and recognisances, and exemplifie all records the same terme before that the Rolls be delivered out from their hands.

Prescription.

PRescription is when a man claimeth any thing, for that he, his ancestors, or predecessors, or they whose estate he hath, have had, or used any thing all

cest brieve serra close, & serra plede en le common banke.

Auxy si ascun tenant que tient de ascun Seignior soit deforce, luy covient fuer brieve de Droit patent que serra determine en le court le Seignior. Mes si le terre soit tenus del Roy, le brieve de Droit patent serra port al court le Roy. Et cest brief poit estre remove de la court de Seignior en le countie per un Tolt, & de la countie en Common banke, per un Pone: Ideo veies devant titulo Droit.

Preignotary.

PReignotary est un parol composé des deux polys François prime & notaire, ou des deux parols Latinois (præ & notarius) & est use en nostre ley pur le chiefe Clerkes des courts le Roy, dont la est un en bank le Roy, & trois en le common banke. Cestuy en banke le roy record tous actions civils sues en ceo court: & ceux del common banke inrolle tous declarations, pleadings, & judgments & font hors tous judiciall briefes, ils inrolle tous fines & recognisances, & exemplifient tous records mesme le terme devant que les rolles sont baile hors de leur mains.

Prescription.

PRescription est quaut un person claime ascun chose, par ceo que il, ses ancestors, ou predeceffours, ou eux que estate il ad, ont ew ou use af-

The Exposition of

cun chose dont nul memorie
cunt al contrary.

Mes ne poit prescrire en-
counter un estatute, sinon que
il ad auter statute que serve
pur luy.

Presentment.

Presentment est equivocum:
P'un est presentment al
Eglise, quel quaut ascun
home que ad droit a doner as-
cū benefice spiritual, & nosme
le person al Evesque a que il
voit le doner, & fait un letter
al Evesque pur luy, ceo est un
presentation ou presentment.
Mes si divers coheires ne poy-
ent accorder en presentment,
le presentee d'leigne serra ad-
mitte. Mes de joyntenants &
tenants en common, si ils ne
accordant deins les six moys,
le Evesque presentera per
laps.

L'auter est ū presentment ou
informatiō p' ascun jurie en ū
court, devant ascun officer la q̄
ad auctorite de punisher as-
cun offence fait cōtrary le ley.

Prétensé droit ou Title.

Prétensé droit ou title est lou
un est en possession de ter-
res ou tenements, & un auter
que est hors de possession, clai-
me ceo, ou sue pur ceo: Ore
le prétensé droit ou title est
dit en luy, que issint sue ou
clame. Et si il puis vient a le
possession de mesmes les terres
ou tenements, son droit ou title
est annexe al fre & possession,
& nient donque appel droit.

the time, whereof no mind is to
the contrary.

But one may not prescribe
against a statute, except he have
another statute that serveth for
him.

Presentment.

Presentment is of two signifi-
cations: one is presentments
to a Church, which when any
man which hath right to give
any benefice spiritual, and na-
meth the person to the Bishop
to whom he will give it, and
maketh a writing to the Bishop
for him, that is a presentation or
presentment. But if divers co-
heires may not agree in present-
ment, the presentee of the eldest
shall be admitted. But of joynt-
tenants & tenants in common,
if they agree not within six mo-
neths, the Bishop shall present
by laps.

The other is a presentment
or information by a Jury in a
court, before any Officer which
hath authority to punish any
offence done contrary to the law.

Pretensed Right or Title.

Pretensed Right or Title is
where one is in possession of
lands or tenements, & another
who is out of possession, claim-
eth it, & sueth for it: Now the
presented right or title is said in
him who so doth sue & claime.
And if he afterwards come to the
possession of the same lands or
tenements, his right or title is
annexed to the land and posses-
sion, and not then called right.

Primer

Primer seisin.

PRimer seisin is used in the common law for a branch of the Kings prerogative, by which he hath the first possession, that is to say the intire profits for a yeare of all the lands and tenements whercof his tenant (that held of him in capite) died seised in his demesne as of fee, his heire then being at full age: & this the King takes in lieu of the intire profits which he may take if he will untill it very be sued, or at the least tendered. See the stat. of Prerog. Regis c.3. & Stamf. f. 11. b.

Prisage.

PRisage is that part or portion that belongs to the King of such merchandises as are taken at sea by way of lawfull prize. And this word you shall finde in the statute of 31. Eliz. cap. 5.

Prisage of wines.

PRisage of wines mentioned in the statutes of 1. H. c. 5. is a custome by which the King out of every barke laden with wine under forty Tunne, claimes to have two tun at his own price.

Privie or privities.

PRivie or privities is where a lease is made to hold at will, for yeares, for life, or a feoffment in fee, and in divers other cases, now because of this that hath passed betwene these parties they are called privies, in

Primer seisin.

PRimer seisin est use en le common ley pur un branch del prerogative le Roy per que il ad le primer possession, cest a scavoir, les intire profits pur un an des tous les terres & tenements dont son tenant (que tenuist de luy en chiefe) morust seise en son demesne cōe de fee, son heire adonque estant de plein age: & ceo le roy prist en lieu des intire profits queux il poit prendre sil voit tanques livery soit sue, ou al meins tender. V. lestat. Prerog. Reg. cap. 3. & Stamf. fo. 11.

Prisage.

PRisage est ceo part ou portion que appertene al Roy hors des tiel merchandizes queux sont prises al mere per vey de loyal prize. Et cest parol vous trovers en lestat. 31. Eliz. cap. 5.

Prisage des vins.

PRisage des vins mention en lestat. 1. H. 8. ca. 5. est un custome per q le roy hors chescun barke lade ove vine south 40. Tunne, claime d aver deux Tun a son prise demesne.

Privie ou privities.

PRivie ou privities est lou un Lease est fait a tener a volunt, pur ans, pur vie, ou un feoffement en fee, & en divers autres cases, ore per cause de ceo que ad passe perenter ceux parties, ils sont appellus privies.

The Exposition of

vies, en respect de strangers, perenter queux nul tiel conueyances ad estre.

Auxy si soit Seignior & Tenaunt, & le Tenaunt tient del Seignior per certaine service, il y ad un priuie perenter eux per cause de Tenure, & si le tenaunt soit disseis per un estranger, il ad nul priuie perenter le disseisor & le Seignior, mes le priuie uncore demurt perenter le Seignior & le tenaunt que est disseis, & le Seignior avowrer sur luy pur ceo que il est son tenant & droit & en le iudgment del ley.

Privies sont en divers sortes, come nosmement, priuies en estate, priuies en fait, priuies en ley, priuies en droit, & priuies en sanke.

Privies en Estate, est lou un Lease est fait del manner de Dale al A. pur vie, le remainder al B. en fee, la A. & B. sont priuies en estate, car lour estates fuef fait ambideux al un temps.

Et issint est en le primer case cy, ou un lease est fait al volunt, pur vie, ou ans, ou un feofment & fee, les lesses ou feoffees sont appel priuies & estate, & issint sont lour heires, &c.

Privies en Fait, est lou un Lease est fait pur vie, & apres per un autre fait le reversion est graunt al un stranger en fee, cest grauntee del reversion est appel priuie en Fait, pur ceo que il ad le reversion per Fait.

Privie en Ley, est lou il est

respect of strangers, between whom no such dealings or conueyances hath bene.

Also if there be Lord and tenant, and the tenant holdeth of the Lord by certaine service, there is a priuie between them, because of the tenure, and if the tenant be disseised by a stranger there is no priuie between the Disseisor and the Lord, but the priuie still remaineth between the Lord and the tenant that is disseised, and the Lord shall abawe upon him, for that he is his Tenant in right, and in the judgment of the law.

Privies are in diuers sorts, as namely, Privies in estate, Privies in deed, Privies in law, Privies in right, and Privies in blood.

Privies in estate, is where a lease is made of the manner of Dale to A. for life, the remainder to B. in fee, there both A. and B. are Privies in Estate, for their estates were both made at one time.

And so it is in the first case here, where a lease is made at Will for life, or years, or a feoffment in fee, the lesses or feoffees are called priuies in estate, and so are their heires, &c.

Privies in Deed, is where a Lease is made for life, & afterward by another Deed the reversion is granted to a stranger in fee, this grantee of the reversion is called priuie in Deed, because he hath the reversion by Deed.

Privie in Law, is where there

there is Lord and tenant, the tenant lesseth the tenancy for life, and dyeth without heire, & the reversion escheates to the Lord. he is said privy in Law, because that he hath his estate once by law, that is to say, by escheate.

Privie in right, is where one possessed of a terme for yeares, granteth his estate to another upon condition, and maketh his executors, and dyeth, now these executors are privies in right, for if the condition be broken, & they enter into the land, they have it in the right of their Testator, and to his use.

Privie of blood, is the heire of the feoffor or donor, &c.

Also if a fine be levied, the heires of them that levied the fine are called Privies.

Priviledges.

Priviledges are liberties and franchises granted to an office, place, towne, or mannor, by the Kings great charter, letters patents, or act of Parliament: as Toll, Sake, Socke, Infangthefe, Outfangthefe, Turne, Ordelfe, and divers such like, for which looke in their proper titles and places.

Proces.

Proces are the writs & precepts that go upon the original. And in actions reals & personals there be sundry sorts of proces, for in actions reals the proces is Ground Cape before appearance: Therefore see of that in the title Petit Cape.

Seignior & tenant, il tenant lessa le tenancie pur vie & morust sauns heire, & le reversion escheate al Seignior, il est dit privie en ley, pur ceo que il ad son estate solement per la ley, cest adire, per escheate.

Privie en droit, est lou un possesse dun terme p ans, grant a son estate al si auter sur condition, & fait ses executors, & morust, ore ceux executors sont privies en droit, car si le condition soit infreint, & ils entrent in le terre, ils averont ceo en le droit de leur testator & a son use.

Privie de sanke, est le heire de le feoffor ou donor, &c.

Item si un fine soit levie, les heires de celuy que levie le fine sont appel Privies.

Priviledges.

Priviledges sont liberties & franchises graunt al un office, lieu, ville, ou mannor, per le grand charter del Roy, letters patents, ou act de Parliament: come Toll, Sake, Socke, Infangthefe, Outfangthefe, Turne, Ordelfe, & divers tielx semblables, pur queux veies e leur proper titles & lieux.

Proces.

Proces sont les briefes & precepts que issuent sur le original. Et en actions reals & personals sont divers sorts de proces, car en actions reals le proces est Ground Cape devant appearance: Ideo vide de ceo en le title Petit Cape.

Mes

The Exposition of

Mes en actions personals, come in det, trespasse, ou dotinue, le proces est un distresse, & si le Viscount retourne *Nihil habet in ballivo*, &c. donques le proces est *Alias Capias*, & *Pluries*, & un *Exigent*, & ils s'or apelles *Capias ad respondendum*. Auxy l'*Exigent* sera cinq fois proclames, & si le partie n'appere il sera urlage. Mes en divers actions sont divers maner de proces, que est plus a large declare la *N. B.*

Auxy sont divers auters proces apres appearance, quaut les parties sont al issue pur fair l'enquest appere, come un *Venire facias*, & s'ils ne apperont al jour donques un briefe de *Habeas corpora jurat*. & aps un brief de *Distingas jurat*.

Auxy sont divers auters proces apres judgement, com *Capias ad satisfaciendum*, & *Capias utlagatum*, &c.

Mes *Capias ad satisfaciendum* gist lou home est condemne en ascun det ou dammages, donques il sera arrest per ce brief, & mis en prison sans baile ou mainprise, tanque il ad paye le det & les dammages.

Mes *Capias utlagatum* gist lou un est urlage, donques il sera prise per tiel briefe, & mis en prison sans baile ou mainprise, pur ceo que il ad fait contempnencontre le ley.

Auxy sont auters proces & briefes judiciales, come *Capias ad valentiam*, *Fieri facias*, *Scire facias*, & plusors auters: & ideo vide ceux en leur titles.

But in actions personals, as in debt, trespass, or detinue, the proceſſe is a distresse, and if the Sheriffe returne *Nihil habet in balliva*, &c. then the proceſſe is *Alias capias*, and *Pluries*, and an *Exigent*, and they are called *Capias ad respondendum*. Also the *Exigent* shall be proclaimed five times, and if the party doe not appeare, he shall be outlawed. But in divers actions there are divers manner of proceſſe, which at large is declared in *N. B.*

And there were divers other Proceſſes after appearance when the parties bee at issue to make the enquest appeare, as a writ of *Venire facias*, and if they do not appeire at the day, then a writ of *Habeas corpora Jurat*, and after a writ of *Distingas Jurat*.

Also there are divers other Proceſſes after Judgment, as *Capias ad satisfaciendum*, and *Capias utlagatum*, &c.

But *Capias ad satisfaciendum* lyeth where a man is condemned in any debt or damage, then he shall be arrested by this writ, & put in prison without bayle or mainprise, till he hath payed the debt and the damages.

But *Capias utlagatum* lyeth where one is outlawed, then he shall be taken by this writ, and put in prison without bayle or mainprise, for that he had the Law in contempt.

And there be other proceſſes & writs judiciales, as *Capias ad valentiam*, *Fieri facias*, *Scire facias*, and many other: and therefore looke for them in their titles.

Next

Next friend.

NExt friend, is commonly taken for Gardian in Socage, & is where a man seised of land holden in Socage dyeth, his issue within age of 14. yeares. then the next friend, or next of kinne, to whom the lands cannot come or descend, shall have the keeping of the heire, & of the land, to the only use of the heire, untill he come to the age of 14. yeares: And then at that yeares he may enter & put him out, & bring him to account: But in that accompt he shall be allowed for all reasonable costs & expences bestowed either upon the heire or his land.

And the next friend or next of kinne, to whom the inheritance cannot descend, is thus to be understood: If the lands descend to the heire from his father, or any of the kinne of his fathers side, then the mother, or other of the mothers side, are called the next of kinne, to whom the inheritance cannot descend for hefore that it shall so descend, it shall rather escheat to the Lord of whom it is holden.

And it is to be understood where the lands come to the heire from his mother, or any of the kinne of his mothers side, then the father or other of the fathers side are called the next of kinne, to whom the inheritance cannot descend, but shall rather escheat to the Lord of whom it is holden.

Otherwise Procheine amy is

Procheine amy.

Procheine amy, est communement prise pur Gardian en Socage, & est lou un home seise de terres tenus en socage morust, son issue deins age de 14. ans, donques le procheine de sank a que les terres ne poient venter ou discender, avera le gard del heire, & del terre, al use solement del heire; tanque il vient al age de 14. ans: Et donques a tiels ans le heire poit enter & luy ouste, & amesner luy de accompter: Mes en cest accompt il avera allowance pur tous reasonable costs & expences bestow ou sur le heire ou son terre.

Et le procheine amy ou procheine de sank a que le inheritance ne poit discend, est issint deste entende: Si les terres discende al heire de son pere ou ascun del sank del part son pere, donques le mere, ou auter del part le mere, sont appellee procheine de sank, a que le inheritance ne poit discender, car devaunt que il issint discendra, il pluis tost escheater al Seignior de q il est tenus.

Et issint est deste entende lou les terres vient al heire de sa mere, ou ascun auter de sank del part sa mere, donque le pere ou auter del part son pere sont appellee le procheine de sank, a que le inheritance ne poit discend, mes pluis tost escheater al Seignior de que il est tenus.

Auterment Procheine amy est

G g

celuy

The Exposition of

celuy que appiert en ascun Court pur un enfant que sue ascun action, & que ayde le enfant de pursuer son suit: dõt vede les statutes de *West. 1. c. 47* & *West. 2. cap. 15.* que un enfant ne pōit faire Attourney, mes le Court pōit admettre le prōcheine amy pur le plaintiff, & un Gardian pur le enfant def. come son Attorney.

Procedendo.

Procedendo est un briefe, & gitt lou asc' action est sue en un Court, que est remove a ū plūs hault, come al Chancery, banke le Roy, ou Common banke, per Briefe de privilege ou *Certiorare*, & si le defendant sur le matter monstre, nad cause de privilege ou si le matter en le Bill sur que le *Certiorare* illuist ne soit bien proove, donques le plaintiff arera cest briefe de *Procedendo*, pur remaunder le matter al primer base Court, & la desire determine.

Proclamation.

Proclamation est un notice apertmet done de ascun chose de q le roy soy pleiriot d'advertiser ses subjects, illint il est use *An. 6. R. 2. ca. 6* *Proclamation de rebellion*, est ū covert notice done per le Officer, que un home nient apparant sur ū *Subpœna* ou Attachment en le Star Chamber ou Chancery, terra repare de ste un rebel, sinon q il luy mesme render al jour assigne. *Crom. Jur. fol. 92.*

he which appeareth in any court for an infant which sueth any action, and aydeth the infant to pursue his suit: whereof see the Statutes of *Westm. 1. cap. 47.* and *Westm. 2. cap. 15.* that an infant may not make an attorney, but the Court may admit the next friend for the plaintiff, and a Guardian for the infant def. as his Attorney.

Procedendo.

Procedendo is a writ. & it lieth where any action is sued in one Court, which is removed to a Court more high, as to the Chancery, Kings Bench, or Common place by a writ of privilege or *Certiorare*, and if the defendant upon the matter shewed have no cause of privilege, or if the matter in the Bill whereupon the *Certiorare* issued be not well proved, then the plaintiff shall have this writ of *Procedendo*, for to send again the matter unto the first base court, & there to be determined.

Proclamation.

Proclamation is a notice publicly given of any thing whereof the King thinketh good to advertise his subjects. so it is used *Anno 7. R. 2. c. 6.* *Proclamation de rebellion*, is an open notice given by an officer, that a man not appearing upon a *Subpœna* or Attachment in the Star Chamber or Chancery, shall be reputed a rebel, except he render himselfe at the day assigned. *Crompt. Jurisd. f. 92.*

And

And it is to be noted, that no man may make Proclamation but by authority of the King, or Maiors, and such like as have privileges in Cities and Boroughes so to doe, or have it by custome. And therefore where an executor made Proclamations in certaine market towne, that the creditours should come by a certaine day, & claime & prove their debts due by the testator, and because hee did this without authority, he was committed to the Fleet and Gaol. Brook, Proclamation 10.

Prohibition.

Prohibition is a writ, and it lyeth where a man is impleaded in the Spiritual Court of the thing that toucheth not Matrimony nor testament, nor merely tythes, but that toucheth the Kings crowne, & this writ shall be directed as well to the party, as to the Judge, or his Officiall, to prohibit them that they pursue no further. But if it appeare afterward to the Judges temporall, that the matter is to be determined in the spiritual court, & not in the court temporall, then the party shall have a writ of Consultation, commanding the Judges of the court spiritual to proceed in the first place.

Propertie.

Propertie is the highest right that a man hath or can have to any thing, which no way dependeth upon another mans

Et est desre observe, q nul poit faire Proclamation mes per authority del Roy, ou Maiors, & hujusmodi que ont privileges en Cities & Boroughes de ceo faire, ou ont ceo use per custome. Et pur ceo ou si executor fist pclamatiōs en certaine market Villes que les creditors veignera per certaine jour, & elaina & provera leur detts due per le Testatour, & pur ceo que il ceo fist sauns auctoritey, il fuit comme al Fleet & mise a un fine. Brook. Proclamation 10.

Prohibition.

Prohibition est un briefe, & gist lou home est implede en Court Christian de chose que ne touch matrimonie ne testamēt, ne merement distmes, mes que touch le corone nōstē Seignieur le Roy, & cest brief serra direct auxybien al partie come al Judge, ou son Official de eux prohibire q ils ne pursue ouster. Mes si il appeare apres a les Judges temporal, que le matter est desre determine en le Spiritual court, & nemy en le Court Temporal, donque le party aver un briefe de Consultation, commaundant les Judges de le Court Spiritual de proceder en la primer plee.

Propertie.

Propertie est le plus alt droit que home ad ou poit aver al ascun chose, que riens depend sur le courtesie dasc' autre

The Exposition of

ter home : Et ceo nullay en cest Realme poit estre dit daver en ascun terres ou tenements, fors que solement le roy en le droit de son Corone, pur ceo que tous les terres per le Realme sont en le nature de fee, & tiendront mediatment ou immediatment del Corone. Cest parol nient obstant est use pur tiel droit en terres & tenements q̄ common persons ont en m̄. Et la sont trois maners de droitz d̄ p̄perty, cest a s̄avoir, property absolute, property qualified, & p̄perty possessory, de quux veies alarge, *Cok. li. 7. Case de Swans. fol. 17.*

Proprietarie.

PRoprietarie est celuy que ad un proprietie en ascun chose mes il est pluis communement use pur luy que ad les profits d'un benefice, a luy & ses heirs, ou a luy mesme & ses successeurs, come en temps par devant Abbots & Priors avoient a eux & leur successeurs.

Protection.

PROtection est un brief, & gift lou home voit passer ouster le mere in le service le Roy, donques il avera cest briefe, & per cest briefe il serra quite de tous maner des p̄lees enter luy & ascun autre person, except p̄lees de dower, *Quare impedit, Assise de Novel disseisin, Ultime presentationis, & Attaints*, & p̄lees devant Justices en Eyre. Mes sont deux briefes de protection, un *Cum clausula*

curtesie : And this none in this kingdome can be said to have in any lands or tenements but only the King in the right of his crowne, because that all the lands through the Realme, are in nature of fee, and hold mediately or immediately of the crowne. This word nevertheless is used for such right in lands & tenements as common persons have in the same. And there are three manner of rights of property, that is to say, property absolute, property qualified, and property possessory: Of which see at large, *Coke lib. 7. Case de Swans, fol. 17.*

Proprietary.

PRoprietary is he that hath a property in anything, but it is most commonly used for him who hath the profits of a Benefice to him and his heirs, or to himselfe and his successors, as in times past Abbots and Priors had to them and their successors.

Protection.

PROtection is a writ, and it lyeth where that a man will passe over the Sea in the kings service, then he shall have this writ, and by this writ he shall be quit of all manner of p̄lees betwene him and any other person, except p̄lees of dower, *Quare impedit, Assise of Novel disseisin, Darrein presentment, and Attaints*, and p̄lees before Justices in Eyre. But there be two writs of Protection, one *Cum clausula*

clausula volumus, and another Cum clausula, nolumus, as appeareth in the Register. Also a Protection shall not be allowed in any plea begun before the date of the Protection, if it be not in voyages where the king himselfe shall passe, or other voyage royals, or in messages of the king for affaires of the realme. Also a Protection shall not be allowed for vituall bought for the voyage, whereof the protection maketh mention, nor in pleas of trespass, or of contracts made after the date of the Protection.

But note, that any may attach or begin any action real against him that hath such Protection, & therein proceed untill the defendant cometh and sheweth his protection in the Court, and hath it allowed, & then his plea or suit shall go without day. But if after it appeareth that the party which hath the Protection goeth not about the affaires for which he hath it, then the demandant shall have a repaile thereof. And if he goe and returne after the businesse ended, the demandant shall have a resammons to recontinue the former suit.

Protestation.

Protestation is a forme of pleading when any will not directly affirme, nor directly deny any thing that is alledged by another, or which he himselfe alledgeth. And it is in two sorts; One is when one pleadeth any thing which he dare not directly

volumus, & lauter Cum clausula nolumus, ut appiert é le register. Auxy Protection ne serra allow en ascun plee commence devant le date de la Protection, si ne soit en vyages ou le Roy mesme passa, ou auters voyages royals, ou en message le roy pur besoignes de Realme. Auxy protection ne serra allow pur vitailles achates pur le voyage, dont le protection fait mention, ne in plects de trespass, ou de contracts fait puis le date de mesme le protection.

Mes nota, que ascun poir attacher ou commencer ascun action real vers cestuy que ait tiel protection, & en ceo proceder tanq le defendant veign & monstre son protection en le Court, at ait ceo allow, & donque son plee ou suit serra mis sauns jour. Mes si apres il appiert que le party que ad le protection ne ala entour le besoigne pur que il ait ceo, donques le demandant avef un repaile de ceo. Et sil va & retourne apres le besoigne finie, le demandant avera un resummons de recontinue le former suit.

Protestation.

Protestation est un forme de pleading quaut ascun ne voit directmée affirmes, ne directement denier ascun chose quel est alledge per auter, ou que il mesme alledge. Et est en deux maners; lun est, quant un pleade ascun chose que il ne

The Exposition of

of last directment affirmer, ou que il ne poit ceo pleader pur doubte de fair son plee double: Come si en conueying a luy title al ascun terre, il doit pleader diuers descents par diuers persons: & il n'est pas affirmer que eux tous fueront seises a l'entemps de leur mort, ou comment il ceo porroit, ceo sera double a pleader deux descents, de queux ambideux chescun a per luy poit estre bone barre: Donques le defendaunt doit pleader & alleader le matter, enterlacing cest parol *protestando*, come adire, que tiel obiit (*protestando*) seise, &c. Et ceo est destre alleader per protestation, & nemy trauersable per l'auter. Auter protestation est, quant un est de responder al deux choses, & tamen per le ley il doit pleader forsque alun, donques en le primer part del plee, il dira al un matter, *protestando* & *non cognoscendo*, cel matter estre voyer, & faire son plee ouster per ceux parols, *sed pro placito dicit, &c.* & ceo est pur salvation al partie (que if sint pleade per protestation) destre conclude per ascun matter alleader ou object encounter luy, sur que il ne poit joynre issie: Et n'est auter chose mes un exclusion del conclusion, car il que prist le protestation exclude l'autre partie de conclüder luy. Et cest protestation doit estre oue le sequel del plee, & nemy destre repugnant, ou auterment contrarie.

affirme, or that he cannot plead it for doubt to make his plea double: And in conueying to himselfe a title to any land, he ought to plead diuers descents by diuers persons: and he dare not affirme that all they were seized at the tyme of their death, or although he could do it, it shal be double to plead two descents, of both which every one by himselfe may be a good barre: Then the defendant ought to plead & alledge the matter, interlacing this word *Protestando*, as to say, that such a one dyed (by protestation) seized &c. and that is to be alledged by protestation, and not to be trauersed by the other. Another protestation is, when one is to answer to two matters, & yet by the law he ought to plead but to one; then in the first part of the plea he shall say to the one matter, *Protestando*, and *non cognoscendo*, this matter to be true, and make his plea further by these wordes, *Sed pro placito dicit, &c.* and this is for saving to the party (that so pleadeth by protestation) to be concluded by any matter alledged or objected against him, upon which he cannot joynre issue: And is no other thing but an exclusion of the conclusion, for he that taketh the *Protestation* excludes the other party to conclude him. And this protestation ought to stand with the sequell of the plea, and not to be repugnant, or otherwisse contrary.

Privision.

PRovision is used with us as it is in the Canon Law for the providing of a Bishop or other Ecclesiastical person of an Ecclesiastical living by the Pope before that the incumbent of it be dead, the abuse whereof by the Pope appears by all the statutes that have bene made in all ages from the time of E. 3. to the reigne of H. 8. for the avoiding of such privisions.

Proviso.

PRoviso is a condition inserted into any deed, upon the performance whereof the validity of the deed consisteth. Sometimes it is onely a covenant, whereof see Coke l. 2. in the Lord Cromwells case. It hath also another signification in matters judiciall, as if the Plaintiffe or Demandant desisteth in prosecuting an action, and bringeth it not to tryall, then the Defendant or Tenant may take forth the Venire facias to the Sheriffe, which hath in it these words, Proviso quod, &c. to this end, that if the Plaintiffe taketh out any writ to this purpose, the Sheriffe shall summon but one Jury upon them both. See old Natura Brevium in the writ Nisi prius, fol. 159.

Purchase.

PURchase is the possession that a man hath in lands or tenements by his owne act, meanes, or agreement, and not by title of

Provision.

PRovision est use ovesq; nous come est en le Canon Ley pur le provider dun Evesque ou auter Ecclesiastical person dun Ecclesiastical benefice per le Pape devant q lincumbent de ceo soit mort, le grand abuse de que per le Pape appiert per tous les statutes que ont estre faies en tous ages del temps E. 3. tanque le reigne de H. 8. per le avoid des tiels privisions,

Proviso.

PRoviso est un condition enser en aucun fait, sur le performance de q tout le vigour del fait consista, aucun foys il solement est un covenant, de que veies Coke l. 2. en le Seignieur Cromwells case. Il ad auxy un auter signification en choses judicial, come si le plaintiffe oudemandant delaya de prosecute un action, & ne ceo port al tryal, donque le defendant au Tenaunt poit prendre hors le Venire facias al Viscount, que ad en ceo ceux parols, Proviso quod, &c. a cest fine, que si le plaintiffe prist hors aucun brief a cel purpose, le Viscount ne gamera forsq; un Jury sur eux ambideux. Veies veiel Nat. Br. en le brief Nisi prius, fol. 159.

Purchase.

PURchase est le possession q un home ad en fres ou tenements per son act demesne, means, ou agreement, & nemy

The Exposition of

per title de discent de ascun d'
ses aunecestors. Veies *Littleton*,
Lib. 1 cap. 1.

descent from any of his ances-
tors. See *Littleton lib. 1.*
cap. 1.

Purlue.

Purlue est tout cest terre q'
est procheine ascun forrest
que esteant fait forrest per
Henry le second, Richard 1^r pri-
mer, ou *Iean le Roy*, fuist per
perambulations grantus per
Henry le tierce severf arere d'l
mesme Mounsiour *Manwood*
part. 2. de ses forrest leys Cap.
20. Et semble que cest parol
est fait ou de pouralle, ceo est,
per ambulare, ou purelieu, ceo
est, *purus locus*, pur ceo q' tiels
terres queux fueront per ceux
roys subject al leyes & ordi-
nances del forrest, sont jâmes
cleire & franke del mesme :
Come les *Civilians* appel ceo
purum locum qui sepulchrorum
religioni non est obstrictus, & m le
maner ceo puit est' appel pure
lieu p' ceo q' est exempt d'l ser-
vitude ou thraldome que fuist
par devant sur ceo impose.

Purlie home est cestuy que
ad terres deins le purlieu, &
esteant able a dispendre 40.
soulz per l'an de franktене-
ment, & sur ceux deux choses
licence de chaser en son pur
lieu d'emefne, *M. Manw. pa. 1.*
pag. 151. & 177. V. lestatute 1.
lac. cap. 27.

Purpresture.

Purpresture est un parol de-
rive de *Francois (Pourpris)*
que signifie de prendre del
auter & pur appropriat a luy

Purlue.

Purlue is all that ground which
is neare any forrest, which
being made forrest by *Henry the*
second, Richard the first, or *king*
John, were by perambulations
granted by *Henry the third*, se-
vered again from the same Ma-
ster *Manwood part 2. of his for-*
rest lawes, cap. 20. And it seem-
eth that this word is composed
either of pouraille, that is, to goe
or walke about; or purlieu, that
is, a pure place, because that
such lands which were by those
kings subected to the lawes &
ordinances of the forrest, are
now clered and freed from the
same: as the *Civilians* call that
A pure place, which is not subject
unto burials, so likewise this
may be called a pure place, be-
cause it is exempted from the
servitude and thraldome which
was formerly laid upon it.

Purlie man is he that hath
lands within the purlien, and
being able to dispend forty shil-
lings by the yeare of freshold, is
upon these two points licensed
to hunt in his owne purlieu.
Mast. Manwood part. 1. p. 151.
& 177. See now the statute made
J. Jac. cap. 27.

Purpresture.

Purpresture is a word derived
from the *French (Pourpris)*
which signifies to take from
another and to appropriate to
him=

himselfe, and therefore a purpresture in a generall sense is taken for any such wrong done by one man to another. **Purpresture** in a Forrest, is every encroachment upon the Forrest of the King, be it by building, inclosing, or using of any liberty without a lawfull warrant so to do. And of this see *M. M.* in his For. lawes, c. 10. f. 74. a.

mesme, & pur ceo un purpresture en un general sens est prise pur ascun tiel tort fait per un home al autre **Purpresture** en un Forest, est chescun encroachment sur le Forest le Roy, soit ceo per edifier, incloser, ou pur user dascun libertie ou priviledg sans un loial garant issint faire. Et de ceo veies *M. Man. For. ley. c. 10. f. 74. a.*

Q.
Quale jus.

Quale jus is a writ, and it lyeth where an Abbot, Prior, or such other, should have judgment to recover land by the default of the tenant against whom the land is demanded, then before judgment given, or execution awarded, this writ shall go forth to the Escheator to enquire what right he hath to recover: And if it be found that he hath not right, then the Lord which should have the land, if the Tenant had aliened in Mortmain, may enter as into land aliened into Mortmain, for this losing by default is like to an alienation: See the statute Westm. 1. c. 32.

But a writ *Ad quod damnum* lyeth where one will give lands to a house of Religion, then this writ shall goe forth to the Escheator, to enquire of what value the land is, & what prejudice it shall be to the King.

Q.
Quale jus.

Quale jus est un brieve, & gist lou ascun Abbot, Prior, ou tiels autres, averont judgment de recover terre per le default del tenant vers que le terre est demande, donque devaunt judgement done, ou execution agard, cest brieve islera al Escheator pur enquirir quel droit il ad a recover: Et si soit trove que il nad droit, donques le Seignour que eüst aver le terre, si le Tenant uist alien en Mortmain, poit enter come en Terre alien en Mortmain, car cel perdre per default est semble a un alienation. Vide le statute Westm. 1. c. 32.

Mes un Brieve de *Ad quod damnum* gist lou ü voile doner terres al meason de Religion, donques cest brieve islera al Escheator, pur enquirir de que value le terre est, & quel prejudice il serra al Roy.

Que

The Exposition of

Quæ plura.

Quæ plura est un brieve, que gist en case lou le Escheator ad trove un office *virtute officii* apres le mort le tenant le roy, & nad trove tous les terres des queux il morust scifie, adonques cest brieve issira en nature dun *Melius inquirendo*, put trover queux terres il avoit plusors. Veies de ceo *Fitz. N. B. fol. 255. a.*

Quare ejecit infra terminum.

Quare ejecit infra terminum est un Brieve, & gist lou un fait Lease a un auter pur terme d'ans, & le lessour enfeoffa un auter, & le feoffee ousta le termour, donques le termour avera cest brieve vers le feoffee. Mes si un auter estraunger ouste le termour, donques il avera Brieve *De ejectione firme* vers luy. Et en ceux deux briefes il recovers le terme & ses damages.

Quare impedit.

Quare impedit est un brieve, & gist lou ieo ay Advowson, & le Parson devie, & un auter presenta son Clerk, ou disturbe de presenter, donques ieo avera le dit Brieve. Mes *Assise de darreine presentment* gist lou ieo on mon auncetours ount present devant. Et lou home poit avor *Assise de darreine presentment*, il poit avor un *Quare impedit*, mes nemy contrarie.

Quæ plura.

Quæ plura is a writ that lyes in case where the Escheator hath found an office after the death of the Kings tenant *virtute officii*, and hath not found all the lands of which he died seised, then this writ shall issue in nature of a *Melius inquirendo*, to find what lands he had more. See of this *Fitz. N. B. fol. 255. a.*

Quare ejecit infra terminum.

Quare ejecit infra terminum is a writ, & it lyes where one maketh a lease to another for terme of yeares, & the lessor infeoffeth another, & the feoffee putteth out the termour, then the termour shall have this writ against the feoffee. But if another stranger put out the termour, then he shall have a writ *De ejectione firme* against him. And in these two writs he shall recover the terme & his damages.

Quare impedit.

Quare impedit is a writ, and it lyes where I have an Advowson, and the Parson dieth, and another presenteth his Clerk, or disturbeth me to present, then I shall have the said writ. But *Assise de darreine presentment* lieth where I, or my ancestors have presented before. And where a man may have an *Assise de darreine presentment*, he may have a *Quare impedit*, but not contrariwise.

Also if the plee be depending between two parties and be not discusse within sixe moneths, then the Bishop may present by laps, and he that hath right to present, shall recover his damages, as it appeareth by the statute of Westm. 2. c. 5. therefore see the statute. Also if he that hath right to present after the death of the Parson, and bringeth no Quare impedir, nor Darrein presentment, but suffereth a stranger to usurpe upon him, yet he shall have a writ of right of Advowson: But this writ lyeth not, unless he claime to have the Advowson to him and his heires in fee simple.

Quare incumbavit.

Quare incumbavit is a writ, and it lyeth where two be in plee for the advowson, and the Bishop admitterh the Clerke of one of them within the vi. moneths, then he shall have this writ against the Bishop: But this writ lyeth alway hanging the plee.

Quare intrusit matrimonio non satisfacto.

Quare intrusit matrimonio non satisfacto is a writ, and it lyeth where the Lord profereth convenable marriage to his ward, and he refuseth and entreteth into the land, & marryeth himselfe to another, then the Lord shall have this writ against him.

Auxy si le plee soit dependant enter deux parties, & ne soit discusse deins vi. moys, dunque le Evesque presentera per laps, & cestuy que ad droit de present, recouvrera dammages, come appiert per le statute de west. 2 cap. 5. ideo veies le statute. Auxy si cestuy que ad droit de presenter apres le mort del parson, & ne porta *Quare impedir*, ne *Darrein presentment*, mes suffer un estrange de usurper sur luy, uncore il avera un Brieve de Droit de Advowson. Mes cest brieve ne gist si il ne claime daver le advowson a luy & ses heires en fee simple.

Quare incumbavit.

Quare incumbavit est un brieve, & gist lon deus sont en plee pur l'advowson, & Levesque admit le Clerke de un de eux deins le sixe moys, dunque il avera ceo brieve vers le Evesque. Mes ceo brieve gist tous soits pendant le plee.

Quare intrusit matrimonio non satisfacto.

Quare intrusit matrimonio non satisfacto est un brieve, & gist lon le Seignieur profera convenable mariage a son garde, & il refusa, & entra en le terre, & soy marie a un auter, dunque le Seignieur avera cest brieve vers luy.

The Exposition of

Quare non admittit.

Quare non admittit est un brieve, & gist lou home ad recover un advowson, & il manda son convenable Clerke al Evesque pur admit, & le Evesque ne voile luy recevoir, donques il avera le dit brieve vers le Evesque. Mes brieve de *Ne admittas* gist lou deux sont en plee, si le plain- tife suppose q' l' Evesque voit admit le Clerke le defendant, donques il poit aver cest brief al Evesque, luy commandant que il ne luy admitte pendant le plee.

Quarentine.

Quarentine est lou home de- vie seisie de un mannor place, & de auters terres, dont sa feme poit estre endow, donques le feme tiendra se en le mannor place, & la vive de le store & profits de ceo per quarant jours, deins quel teps sa Dower serra a luy assigne, come appiert en *Magna Chart. cap. 6.*

Quarels.

Quarels est derive d' *Queren- do*, & extend non solement al actions cybien real come personal, mes auxy al causes de actions & suits, issint que p release de rours quarels non solement actions dependant en suit, mes causes de action & suit auxy sont release, & qua- rels, controversies & debates sont *Synonyma*, & de un mes-

Quare non admittit.

Quare non admittit is a writ, & it lyeth where a man hath recovered an Advowson, & he sendeth his convenable Clerke to the Bishop to be admitted, and the Bishop will not receive him, then he shal have the said writ against the Bishop. But a writ of *Ne admittas* lyeth where two be in plee, if the plaintiff suppose that the Bi- shop will admit the Clerke of the defendant, then he may have this writ to the Bishop, commanding him not to admit him hanging the plee.

Quarentine.

Quarentine is where a man dyeth seised of a manour place, and other Lands, where- of the wife ought to be endow- ed, then the woman may abde in the Manour place, and there live of the store & profits there- of the space of forty dayes, within which time her Dower shall be assigned, as it appeareth in *Magna Charta cap. 6.*

Quarels.

Quarels is derived from *Que- rendo*, and extendeth not onely to actions, as well re- all as personal, but also to the causes of actions & suits, so that by the release of all quarels, not only actions depending in suit, but causes of action & suit also are released, and quarels, con- troversies & debates, are words of one sense, and of one and the same

same significatton. Coke lib. 8.
fol. 153.

me significatiō. Coke lib. 8.
fol. 153.

Quid juris clamat.

Quid juris clamat is a writ, and lyeth where I graunt the reversion of my tenant for terme of life by fine in the kings court, and the tenaunt will not attorne, then the grantee shall have this writ for to compell him to attorne. But a writ of *Quem redditum reddit* lyeth where I grant by fine a rent charge, or another rent which is not Rent service, which my tenant holdeth of me, & the tenant will not attorne, then the grantee shall have this writ. And a writ of *Per quæ servitia* lies in like case for rent service.

Also if I grant four divers rents to one man, & the tenant of the land attourneth to the grantee by paymēt of a peny, or of a half-peny in the name of Attournment of all the rents, this attournment shall put him in seisin of all the rent. But these three writs ought to be brought against those which are tenants at the day of the note levied, and against no other.

Fifteene.

Fifteene is a payment granted in Parliament to the King by the Temporalty, namely, the fifteenth part of their goods, & it was used in ancient time to be levied upon their Cattell going in their grounds, which thing was very troublesome, and therefore now for the most

Quid juris clamat.

Quid juris clamat est un briefe, & gift lou ico graunt le reversion de mon tenant a terme devie per fine en Court le Roy, & le tenant ne voit atturner, donques le grantee avera cest briefe per luy chaser pur attourner. Mes bñe de *Quem redditum r edit* gift lou ico grant per fine un rent charge, ou auter rent que nest rent service, quel 'mon tenant tient de moy, & le tenant ne voit attornner, donques le grantee avera cest briefe. Et briefe de *Per que servitia* gift en semblable case pur rent service.

Auxy si ico graunt iij. divers rents a un home, & le tenaunt de terre attourna al grauntee per payment de un denier, ou un maille en nosme de attournement d' tous ceux rents, cest attornment luy mettera en seisin de tout cest rent. Mes ceux trois briefes covient estre port vers eux que sont tenants jour del note levie, & vers nul auters.

Quinzisme.

Quinzisme est un payment grant en Parliament al roy per les layes Gents, cest a savoir, le quinzisme part de leur biens: Et fuit use en ancient tēps destre levie sur leur ayers esteaunts en leur frē, q chose fuit mult troublous, & pur ceo a ore pur le plus part cest

The Exposition of

cest voy est alter, & ils use de leuie ceo per les verges ou acre ou auter meassurs de terre. Per reason de q̄ il est a ore meins troublous, & plus certaine q̄ deuant il fuit. Et chescun ville & pays scient quel summe est destre pay perenter eux, & comment ceo serra raise. Nous legemous que *Moses* fuit le prim que number le people, car il number les Israelites, & pur ceo le primer Tax, Subsidie, Tribute, ou Quinzisme, fuit iayent per luy enter les Hebrewes, come *Polydore Virgil* suppose.

Quod ei deforceat.

*Q*uod ei deforceat est un brief, & gist lou tenant en taile, Tenaunt en Dower, ou Tenaunt a terme de vie, perde per default en ascun action, donques cestuy que perde avera cest briefe vers celuy que recouera, ou vers son heire, si il entende que il avoit melior droit que il q̄ recouera. Veies *lestat. west. 2. c. 4.*

Quod permittat.

*Q*uod permittat est un briefe, & gist lou home est disseise de son common de pasture, & le disseisor alien ou devie seise, & son heire entere, donques si le disseisee devie, so heire avera cest briefe.

Quo jure.

*Q*uo jure est un briefe, & gist lou home ad ewe common de pasture en auter several de

part that way is altered, & they use to leby the same by the yard or acre, or other measure of land. By meanes whereof it is now lesse troublesome, and moze certaine than before it was. And every Towne and Country do know what sum is to be payd among them, and how the same shall be raised. *elles* reade that *Moses* was the first that did number the people, for he numbered the Israelites, and the first tax, subsidy, tribute, or fifteene, was invented by him among the Hebrewes, as *Polydore Virgil* both thinke.

Quod ei deforceat.

*Q*uod ei deforceat is a writ, and it lyeth where the tenant in the taile, Tenant in dower, or tenant for terme of life, loseth by default in any action, then he that loseth shall have this writ against him that recovereth, or against his heire, if he thinke he hath better right than he which recovered. See the stat. Westm. 2. cap. 4.

Quod permittat.

*Q*uod permittat is a writ, and it lyeth where a man is disseised of his common of pasture, and the disseisor alieneth or dyeth seised, & his heire entere, then if the disseisor die, his heire shall have this writ.

Quo jure.

*Q*uo jure is a writ, & it lyeth where a man hath had common of pasture in another several

fall of late within the time of memory, then he to whom belongs the severall shall have this writ, and he shall be charged to shew by what title he claimeth the common.

Quo minus.

*Q*uo minus is a writ, & it lyeth where a man hath granted to another Housebote and Heybote in his wood to take every ycare, & he that made the grant maketh such waste and destruction that the grantee cannot have his reasonable estovers, then the grantee shall have the aforesaid writ, and it is in nature of a writ of waste.

And note that Housebote is called certaine estovers to mend the house: and Heybote certaine estovers to mend heyres and hedges.

And there is another writ called a Quo minus, in the Exchequer, which any fermor or debtor to the king shal have against any other, for debt or trespass in the Exchequer, in the Office called the Common Pleas, by which the plaintiff shal surmise, that for the wrong which the defendant doth to him, he is lesse able to pay the king his debt or ferme, which is surmised to give Jurisdiction to the Court of the Exchequer, to heare & determine the cause of the suit betwene them, which otherwise should be determined in another Court.

darreine temps deins le temps de memorie, donques celuy : que appartient le severall, avera cest brieve, & il serra charge de monstre per quel title il clame le common.

Quo minus.

*Q*uo minus est un brieve, & gist lou home ad grantis a un aurer housebote & heybote en son boys, a prender chescun an, & celuy que fesoit le grant fait tiel wast & destruction que le grauntee ne poit aver son reasonable estovers, donques le grantee avera la avardit Brieve, & est en nature de brieve de Wast.

Et nota, que Housebote est appellee certeyne estovers pur amender le meason : & Heybote est certaine estovers pur amender heyres & hedges.

Et est auter brieve appelle *Quo minus*, en le Exchequer, quel ascun Fermour ou Debtor al Roy avera vers ascun aurer, pur Debt ou Trespasse, en le Exchequer, en le Office appelle le Common Plees, per que le Plaintiff surmistera, que pur le tort que le Defendant fait a luy, il est meynes able a payer le Roy son debt ou ferme, quel est surmise a doner Jurisdiction al Court Dexchequer, doyer & terminer la cause del suit enter eux, quel autrement ferroit determine en auter Court.

The Exposition of

Quo warranto.

Quo warranto est un brief, & gift lou home usurpe daver aucun franchise sur le Roy, donques le Roy avera cest Briefe, de faire luy venger devaunt les Justices, per monstre per quel ticle il claime tiel franchise.

Quo warranto.

Quo warranto is a writ, & it peth where a man usurpeth to have any franchise upon the King, then the King shall have this writ, to make him to come befoze his Justices, for to shew by what title he claimeh such franchise.

R.

Ransome.

Ransome signifie proprement ceo summe que est pay pur le redemption dun que est prise captive en guerre, mes est auxy use pur u summe des deniers paye per le pardonner dascun grad offence, & issint est use en lestatute de 1. H. 4. cap. 7. & en auters stat. Fine & Ransome alants insieme : come en 23. H. 8. cap. 3. & aylors.

Rape.

Rape ad deux significations: Le primer est quant il est prise pur le part del County, come Southsex est divide en size parts q pur un peculiar nosme sont appel' Rape, Camden Britan. p. 225. & ceux parts en auters pais sont appel' Hundreds, Tythings, Lathes, ou Wapentakes.

En l'auter sensle il est le violent conufance dun feme encounter sa volunt, & cest offence est felony cybien en le

R.

Ransome.

Ransome signifie proprely the summe that is payd for the redeeming of one that is taken captive in warre, but it is used also for a summe of mony paid for the pardoning of some great offence, and so it is used in the statute of 1. H. 4. c. 7. and in other statutes. Fine and Ransome going together : as in 23. Hen. 8. cap. 3. and elsewhere.

Rape.

Rape hath two significations: The first is when it is taken for the part of a County, as Sussex is divided into six parts, which by a peculiar name are called Rape, Camden Britan. p. 225. and these parts in other Countries are called Hundreds, Tythings, Lathes, or Wapentakes.

In the other sense it is the violent deflowering of a woman against her will, & this offence is felony, as well in the principall,

Wail, as in his aydoys. See 11. Henry 4. cap. 13. 1. Edw. 4. c. 1. Westm. 2. c. 13. Cromptons Justice of peace, f. 43. 44.

Rationabili parte bonorum.

Rationabili parte bonorum, is a writ that lyes for the wife against the executors of her husband, to have the third part of his goods after debts payd, and funerall expences discharged. But if this writ doth lye by the common law, or onely by the custome of some Countreys, it is a question in our bookes. See Fitz. N. B. 122. L.

Rationabilibus divisis.

Rationabilibus divisis is a writ, & lyeth where there are two Lordships in divers towne, and one nigh the other, & any parcell of one Lordship, or of wast, hath bene encroched by little parcels, then the said Lord from whom the parcell of ground or of wast hath ben encroched, shall have this writ against the Lord that hath so encroched.

Ravishment de gard.

Ravishment de gard, is a writ that lyes for the gartian by knights service, or in socage, against him that takes from him the body of his ward. And of this see Fitz. N. B. f. 140. E. & c.

Raunger.

Raunger comes from the French word Rang, (that

principal, come en les accessories. Veies 11. Henric. 4. cap. 13. 1. Ed. 4. cap. 1. Westm. 2. c. 13. Crompt. Just. de peace, fo. 43. 44.

Rationabili parte bonorum.

Rationabili parte bonorum, cest un briefe que gist pur un feme vers les executors sa baron, daver le teirce part de ses biens apres debts payes, & funeral expences discharged. Mes si cest briefe gisera al common ley, ou solement per le custome dascun pais, est un question en nostre livers. V. Fitz. N. B. 122. L.

Rationabilibus divisis.

Rationabilibus divisis est un briefe, & gist lou sont deux Seigniories en divers villes, & un pres de auter, & ascun parcel de un Seignior, ou de wast, ad este encroche per petits parcels, & donques celuy Seignior de que le parcel de terre, ou le wast, ad este encroche, avera cest briefe envers le Seignior que ad issint encroche.

Ravishment de gard.

Ravishment de gard, est un briefe que gist pur le gardian en chivalry, ou socage, vers cestuy que prist de luy le corps son gard. Et de ceo veies Fitz. N. B. fo. 140. E. & c.

Raunger.

Raunger venust del parol Francois (Range, id est. Hh ordo,

The Expofition of

or do vel series) & fignifie un Officer del Forest que est appoint le pourmener chescun jour p le purlieu, dont il est le Raunger, pur rechafer les feres hors ceo en le Forest arere, de veier, oyer, & enquire des offendors la, & de presenter leur offences. Veies *Manwood cap. 20. fol. 185. &c.*

Rebutter.

REbutter est quaut un per-fait ou fine grant de garranter ascun terre ou hereditament a un auter, & cestuy q fist le garrantie, ou son heire sua celuy a que le garrantie est fait, ou son heire, ou assignee, si celuy que issint sue, pleade encounter cestuy q sua le dit fait ou fine ove garrantie, & demand judgement, si encont ceo garrant le plaintife serra receive a demaunder le chose que il doit garrant, encont cel garrantie, per le fait ou fine avaunt dist, compenant tiel garrantie, tiel pleade en garrantie est appelle un Rebutter.

Recaption.

REcaption est un second distresse dun que fuit aufoits distrein devant pur mesme le cause, & ceo durant le plea grownd sur le former distresse. Est auxy le nosme del brieve ou remedy que le ley done pur cestuy que est issint deux foits distrein pur un chose: le forme & used quel bi poies veier en *Fitz. N. B. fo 71. E. & c.*

is, ordo, vel series) & it signifies an officer of the forest, that is appointed to walke every day thorow the purlieu, whereof he is Raunger, to drive backe the wilde beasts into the forest againe, to see, heare, and inquire of offenders there, & to present their offences. See *Manwood, c. 20. f. 185. &c.*

Rebutter.

REbutter is when one by deed or fine grants to warrant any land or hereditament to another, and he which made the warranty, or his heire, sue him to whom the warranty is made, or his heire, or assignee for the same thing: now if he which is so sued pleadeth against him that sued the said deed or fine with warranty, and demand judgment, if the Plaintiff shall be received to demand the thing which he ought to warrant, against that warranty by deed or fine aforesaid, comprehending such warranty, such pleading of the warranty is called a Rebutter.

Recaption.

REcaption is a second distress of one formerly distressd for the selfe same cause, and that during the plea grounded upon the former distress. It is also the name of the writ or remedy that the Law gives for him that is thus twice distressd for one thing: the forme & use of which writ you may see in *Fitz. N. B. f. 71. E. &c.*

Recluse.

Recluse.

REcluse is one that by reason of his order in Religion may not stirre or depart out of his house or cloister, and of such a one Littleton speakes, Sect. 434.

Recordare.

REcordare is a writ directed to the Sheriffe, to remove a cause out of an inferior court, as a Court of ancient demesne, Hundred court, or County court, into the Kings bench, or Common Pleas. And of this see Fitz. N. B. 70. B.

Redisseisin.

REdisseisin. Looke of that befoze in the title Alsise.

Regarder.

REgarder comes of the French (Regardeur, id est, spectator) and it signifies an Officer of the Kings forrest, that is sworn to take care of the Vert and Venison, & to view and inquire of all the offences committed within the Forrest, and of all the concealments of them: and if all the Officers of the forrest doe well execute their offices or no. See Manw. Forrest Lawes, c. 21. f. 191. b.

Regrator.

REgrator is he that hath corn, victuals, or other things sufficient for his owne necessary need, occupation, or spending, and doth nevertheless in-

Recluse.

REcluse est cestuy que par le reason de son order en religion ne poit mover ou departer hors de son maison ou cloister: Et dun tiel Littleton parle sect. 434.

Recordare.

REcordare est un brief direct al Viscount pur remove un cause hors dun inferior court, come court del ancient demesne, Hundred Court, ou County Court, en Banke le Roy, ou Common banke. Et d' ceo veies Fitz. N. B. fo. 70. B.

Redisseisin.

RE disseisin. Veies de ceo devant en le title de Alsise.

Regarder.

REgarder venust d' Francois (regardeur, id est, spectator) & signifie un Officer del Forrest le Roy, que est jure de prendre le regard del Vert & Venison, & de veier & inquire des tous offences commises deins le Forest, & des tous les concealments d' eux: & si tous les Officers del Forrest bien executont leur offices ou nemy. Veies Manw. Fo. leyes, cap. 21. fo. 191. b.

Regrator.

REgrator est celuy que ad vibles, victuals, ou auters choses sufficient pur son necessary oeps, occupation, ou expences, & nient obstant en-

The Exposition of

grosse & achate en ses mains plus blees, victuals, ou auter tielx choses, al entent de vend ceo arere al un pluis hault & chare price, en faïres, markets, ou tiels semblable lieux : de q̄ veies lestat 5. E. 6. c. 14. car il serra punie come Forestaller.

Rejoynder.

Rejoynder est quant le defendant fait respons al replication del plaintife.

Et chescun rejoynder doit aver ceux deux properties specialment, cestascavoire, il doit estre sufficient respons ad replication, & auxy de subsequer & enforce le matter del barre.

Relation.

Relation est un terme en ley, lou en consideration del ley deux temps ou auters choses sont consideres tielment come si fueront rout un, & per ceo le chose subsequent est dit de prendra son force per relation al temps precedent : siccome un deliver un escript al un destū deliū al aut, come fait cestuy q̄ ceo deliver, q̄nt lauter a que ferroit deliver, ad pay ascun somme de money, ore quaut le money est pay, & lescrip deliver, ceo serra repute come fa it cestuy que ceo delivera al temps quaut fuit primes delivera. Et issint petitions de parliamēt, as queux le roy assent al darreine jour de Parliament, averont relation & prendront lour force del prim jour del commencement

grosse & buy up into his hands moze cozne, victuals, oz other such things, to the intent to sell the same againe at a higher and deerer price, in faïres, markets, oz other such like places, whereof see the stat. 5. E. 6. c. 14. for he shall be punished as a forestaller.

Rejoynder.

Rejoynder is when the defend. maketh answer to the replication of the plaintife.

And every rejoynder ought to have these two properties specially, that is, it ought to bee a sufficient answer to the replication, & also to follow and enforce the matter of the barre.

Relation.

Relation is a terme in Law, where in consideration of Law two times oz other things are considered so as if they were all one, & by this the thing subsequent is said to take his effect by relation at the time preceding : as if one deliver a writing to one to be delivered to another, as the deed of him who delivered it, when the other to whom it should be delivered, hath payd a somme of money, now when the money is payd, and the writing delivered, this shall be taken as the deed of him who delivered it, at the time when it was first delivered. And so petitions of Parliament to which the King assents on the last day of Parliament, shall relate and be of force from the first day of the beginning of the

the Parliament. And so it is of
divers other like things.

Release.

Release is the giving or dis-
charging of the right or acti-
on which any hath or claimeth
against another, or his land.

And the release of right is com-
monly made when one maketh
a deed to another by these or the
like words, Remised, released,
and utterly for me and my heires
quite claimed to A.B. all my right
that I have, or by any meanes may
have hereafter, in one messuage,
&c. But these words (whatsoe-
ver I may have hereafter) bee
void: for if the father be dislei-
sed, & the son release by his deed
of release without warrant, all
his right by these words, (what-
soever I may have hereafter, &c.)
and the father dyeth, the sonne
may lawfully enter in the pos-
session of the disseisor.

Also in a release of right it is
needfull that he to whom the
release shall be made, have a
freehold or a possession in the
lands in deed or in law, or a re-
version at the time of the release
made, for if he have nothing in
the land at the time of the release
made, the release shall not be to
him available. See more hereof
in Littleton. l. 3. c. 8.

Reliefe.

Reliefe is sometimes a certain
summe of money that the
heire shall pay to the Lord of
whom those lands are holden,
which after the decease of his

del Parliament. Et il n'est est de
divers auts choses semblables.

Release.

Release est le done ou dis-
charge del droit ou action
que ascun eyt ou claime évers
auter, ou son terre.

Et le release de droit est com-
munement fait quaut un fe-
soit un fait a un auter p. ceux
ou tiels parolx, *Remisist, re-
laxasse, & omnino pro meo ha-
red' meis quiet' clamasse*. A.B. *to-
tum jus meū quod habui, habeo,
seu quov' smod' in futuro habere
potero, in uno messuagio, &c.*
Mes ceux parols (*quov' smodo
habere potero*) sont voids: Car
si le pere soit disleisic, & le fits
release p son fait d' release, l'as
garrantie de tout son droit, per
ceux parols (*quov' smodo in fu-
tu' habere potero, &c.*) & l' pere
morust, le fits poit loyalmēt enf
sur le possession le disseisor.

Auxy en un release de droit
il covient que il a que le Re-
lease serra fait, ad un frankte-
nemēt ou possession en les ter-
res en fait ou en ley, ou un re-
version al temps del release
fait, car si l' nad riens en le terre
al temps de release fait, le re-
lease ne serra a luy available.
Veies pluis de ceo Littleton li.
3. cap. 8.

Reliefe.

Relief est ascun foits un cer-
taine summe de money que
le heire payera al Seignior de
que ceux terres sont tenus,
queux apres le decease de son

The Exposition of

Auncestor fount a luy discende, come procheine heyre. Ascun foits il est le payment d'un autre chose. & nemy money: Et pur ceo reliefe nest certaine, & semblable pur toutes Tenures, mes chescun sundry Tenure ad (pur le pluis part) son special reliefe certaine en luy mesme. Neque est ceo destre paye tous foits al un certain age, mes il varie en ceo auxy accordaüt al tenure. Come si le Tenaunt ad terres tenus per service de Chivaler, (forspris Grand Serjeantie) & moruſt, son heire esteaunt de pleine age, & tient ses Terres per le service d'un entier fee d'Chivaler, le Seignieur de que ceux terres sont issint tenus, avera del heire *C. s. Nomine relievi*, & si il tient per meins q'un fee de Chivaler, il payera meins, & si pluis, donqs pluis, aiant respect tous foits al rate pur chescun fee de chivaler un cent soulz. Et si tient per grad Serjeantie (que est toutes foits del roy, & est auxy service de chivaler) donqs le reliefe serra le value del terre p'an, preter tous charges issuät hors de c°. Et si le terf soit tenus en petit Serieantie, ou en socage, donqs pur le reliefe le heire payera al un foites taunt que il doit payer annuellement pur son service, quel est communement appelle le doubling del rent.

Auxy si un home tient de le Roy en chiefe, & des autres Sñrs, le roy avera le garde de tous les trs, & le heire payera

anceſſors are to him descended as next heire. Sometimes it is the payment of another thing, and not money: And therefore Reliefe is not certaine, & alike for all Tenures, but every sundry Tenure hath (for the most part) his special Reliefe certaine in it selfe. Neither is it to be paid alwayes at a certaine age, but varieth therein also according to the Tenure. As if the Tenaunt have Lands holden by Knights service (except Grand Sericanty) and dye, his heire being at full age, and held his Lands by the service of a whole Knights fee, the Lord of whom these Lands are so holden, shall have of the heire an hundred Shillings in the name of the Reliefe; and if he held by lesse then a Knights fee, he shall pay lesse, and if moze, then moze, having respect alwayes to the rate for every Knights fee *C. s.* And if he held by Grand Sericanty, (which is alwaies of the King, and is also Knights service) then the Reliefe shall be the value of the land by the yeare, besides all charges issuing out of the same. And if the lands be holden in Petit Sericantie, or in Socage, then for the reliefe the heire shall pay at one time as much as he ought to pay yearly for his service, which is commonly called the doubling of the rent.

And if a man hold of the King in chiefe, and of other Lords, the King shall have the ward. of all the lands, and the heire shall pay

pay reliefe to all the Lords at his full age: but the Lords shall sue to the King by petition, and shall have the Rent for the time that the Infant was in ward.

But see now that by the Stat. of 2. E. 6. c. 8. the meſme Lords are not put unto their petition, but shall have all the rents paid them by the Kings Officers upon request yearly during the Kings possession.

And note, that alwayes when the Reliefe is due, it must be paid at one whole payment, and not by parts, although that the rent be to be payd at severall feasts.

Remainders.

Remainder of land, is the land that shall remaine after the particular estate determined: As if one grant land for terme of yeares, or for life, the remainder to J. S. that is to say, that when the lease for yeares is determined, or lessee for life is dead, that then the land shall remaine, shall be, or abide with, to, or in J. S. See Reversion.

Remembrancer del Eschequer.

Remembrancer del Eschequer, there are three Officers or Clerkes there called by the name. one is called a remembrancer of the King, the other of the Lord Treasurer, and the third of the first fruits.

The Kings remembrancer entred in his office all recognizances for the Kings debts, ap-

reliefe a tous les Seigneurs a son plein age, mes les Syrs sue-
ra al roy per petition, & paye-
ra le rent pur le temps que le
enfant fuit en garde.

Mes veies ore que p lestat.
de 2. E. 6. cap. 8. les meſme Sfrs
ne sont mises a lour petition,
mes averont tous les rents as
eux payes p les officers le roy
sur request annuelment durāt
le possession le Roy.

Et nota, que tous foits quāt
le reliefe est due, il doit este
pay al un entier payment, &
nemy per parts, nient obstant
que le rent soit deste pay al
several feasts.

Remainders.

Remainder de Terre, est le
terre que remainera apres
le particulier estate determine:
Come si un grant terre pur
terme de ans ou pur vie, le re-
mainder al I. S. cest adire, que
quaunt le lease pur ans est de-
termine, ou le Lessee pur vie
est mort que donques le terre
remainera, serra, ou abide, ove,
al, ou en I. S. Veies Reversion.

Remembrancer del Eschequer.

Remembrancer del Eschequer,
la sont trois Officers ou
Clerkes la appel p tiel nomme,
l'un est appel le remembrācer
del roy, l'auter del Seignieur
treasurer, & le tierce del pri-
mer fruits.

Le remembrancer del Roy
enter en son office tous recog-
nizances pur les debts le Roy,

The Exposition of

apparances, & pur observer orders auxy il prist tous obligations pur ascun des debts le Roy, pur apparances, & observances de orders, & fist proces sur eux pur l'enfreinder de eux.

Le remembrancer del Seignior treasurer fist proces vers tous Viscounts, Escheators, Receivers, & Baylives, pur leur accounts: il fist le proces de *Fieri facias*, & extet pur ascun debts due al Roy, ou en le pipe ou ove les auditors, & il fist proces par tout tiel revenue q est due al Roy per reason de ses Tenures.

Le remembrancer de les primer fruiçts prist tous compositions, pur primer fruiçts & dismes, & fait proces envers ceux que ne pas paya mesme. De ceux officers veies pluis en le liure del office & authority de Viscounts, darreinment escrie per M. Dalton fol. 186.

Remitter.

Remitter est quaut un home ad deux titles a ascun terre, & il vient al terf per le darrein title, uncore il serra adjudge eins pforce de son pluis eigne title, & ceo serra dit a luy un Remitter: Come si tenant en le taile discontinue le taile, & puis disseise son discontinuee, & morust ent seisie, & les terres descendont a son issue ou cosin enheritable per force d le taile, en ceo case il est en son Remitter, cestascavoire, seisie per force del taile, & le title

parances, and for observing of orders: also he taketh all obligations for any of the Kings debts, for apparances and observing of orders, and maketh out proces upon them for the breaking of them.

The Lord treasurers remembrancer maketh out proces against al Sherifes, Escheators, Receivers, & Baylives, for their accounts: he makes the proces of *Fieri facias*, & extent for any debts due to the King, either in the Pipe, or with the Auditors, & he maketh proces for all such revenue as is due to the King by reason of his Centures.

The remembrancer of the first fruits taketh all compositions for first fruits & tenths, and maketh proces against such as pay not the same. Of these Officers see more in the booke of the office and authority of Sherifes, lately written by M. Dalton, fol. 186.

Remitter.

Remitter is when a man hath two titles to any land, and he cometh to the land by the last title, yet he shall be subged in by force of his elder title, and that shall be said to him a Remitter: As if the tenant in the taile discontinue the taile, and after disseiseth his discontinuee, and dyeth thereof seised, & the lands descendeth to his issue or cosin inheritable by force of the taile, in that case he is in his Remitter, that is to say, seised by force of the taile, & the title

of

of the discontinuē is utterly adnulled & defeated, & the reason and cause of such remitter is for that that such an heire is tenant of the land, and there is no person tenant, against whom he may sue his writ of Formedon for to recover the estate taile, for he may not have an action against himselfe.

Also if a tenant in the taile infeoffe his son or heire apparent in the taile, which is with- in age, and after dyeth, that is a Remitter to the heire: but if he were of full age at the time of such feoffment, it is no Remitter, for that that it was his folly, that he being of full age, would take such a feoffment.

Also if the Husband alien Lands that he hath in the right of his wife, and after take an estate againe to him and to his wife for terme of their liues, that is a Remitter to the woman, for that that this alienation is the act of the husband & not of the woman, for no folly may be adjudged in the woman during the life of her husband.

But if such alienation be by fine in Court of Record, such a taking againe after ward to the husband & wife for term of their liues, shall not make the woman to be in her Remitter, for that in such a fine the woman shall be examined by the Judge, & such examination in fines shall exclude such women for ever.

Also when the entry of any man is lawful, and he taketh

del discontinuē est ousterment anient & defete. Et le reason & cause de tiel remitter est, pur ceo que tiel heire est tenant del terre, & nest aucun person tenant, vers que il poit suer son brieve de Formedon pur recover le estate taile, car il ne puit aver action vers luy mesme.

Auxy si Tenant en le taile enseoffa son fitz ou heyre apparent en le taile que est de- ins age, & puis devie, ceo est un remitter al heire: Mes si il fuit de pleine age al temps de tiel feoffment, il nest remitter, pur ceo que il fuit son folly, que il esteunt de plein age, voile prendre tiel feoffment.

Auxy si le baron alien terre que il ad en le droit son feme, & puis reprist estate a luy & a son feme pur terme de leur vies, ceo est un remitter al feme, pur ceo que cest alienation est le acte le baron, & nemy l'acte de la feme, car nul folly poit este adjudge en feme durant le vie le baron.

Mes tiel alienation soit per fine en Court de Record, tiel reprisel apres al baron & feme pur terme de leur vies, ne ferra la feme destre en la Remitter, pur ceo que en tiel fine la feme serra examine per le Judge, & tielx examinations en fines excluderont tiels femes a tous jours.

Auxy quaut le entre de aucun home est congeable, &

The Exposition of

il prist estate a luy quant il est de plein age, si ne soit per fait indent, ou matter de record, que luy estoppera, ceo serra a luy bone Remitter.

Rents.

Rents sont en divers maners cestascavoire, rent service, rent charge, & rent secke.

Rent service, est lou le tenant en fee simple tient sa terri de son Seignior per fealtie & certaine rent, ou per autre service & rent, & donques si le rent de le Tenant soit arere, le Seignior poit distraine pur le rent: Mes pur ceo il jammais navera action de debt.

Auxy si ico done terres en le taile a u home payat a moy certaine rent, ore tiel rent est rent service: Mes en tiel case il coviét q le reversion soit en le donour: Car si home fait feofment en fee, ou un done en taile, le remainder ouster en fee, sans fait, reservant a luy un rent, tiel reservation est voyde, & ceo est per force del statute. *Quia emptores terrarū*, & donq's il tiendra de le Seignior de que son doner tenoit.

Mes si home per fait indent a cel jour fait tiel done en le taile, le remaind ouster en fee, ou lesee pur terme de vie, le remainder ouster, ou un feoffment, & per mesme l'endenture reserva a luy un rent, & que si le rent soit arrere, que bien liroit a luy a distraire, ore tiel rent est rent charge.

Mes en tiel case, si la ne soit

an estate to him when he is of full age, if it be not by deed indented, or matter of record, which shall estop him, that shall be to him a good Remitter.

Rents.

Rents be in divers maners, that is Rent service, Rent charge, and Rent secke.

Rent service is where the tenant in fee simple holdeth his land of his Lord by fealtie and certaine rent, or by other service and rent, and then if the Rent of the Tenant be behinde, the Lord may distraine for the rent: but for that he shall not have an action of debt.

Also if I give land in taile to a man, paying to me certaine rent, then such rent is rent service: But in such case it behoveth that the reversion be in the donour: For if a man make a feoffment in fee, or a gift in taile, the remainder over in fee without Deed, reserving to him a certaine rent, such reservation is voyde, & that is by the Statute *Quia emptores terrarū*, & then he shall hold of the Lord of whom his donour held.

But if a man by deed indented at this day make such gift in taile, the remainder over in fee, or lease for terme of life, the remainder over, or a feoffment, and by the same Indenture reserve to him rent, and that if the rent be behinde, that well it is lawfull to him to distraine, then such rent is rent charge.

But in such case, if there be not

not any such clause of distresse in the deed, then such rent is called rentsecke, and for such rent secke he shall never distraine, but if he were once seised, he shall have assise, & if he were not seised, he is without remedy.

And if one grant a rent going out of his land, with clause of distresse, that is rent charge, and if the rent be behind, the grantee may chuse to distraine or sue a writ of Annuity, but he cannot have both, for if he bring a writ of Annuity, then the land is discharged. And if he distrains & avow the taking in the court of Record, then the land is charged, and the person of the grantor discharged.

Also if one grant a Rent charge, and the grantee purchase half, or any other part or parcell of the land, of whatsoever small value it be, then all the rent is extinct.

But in Rent service, if the Lord purchase parcell of the land, then the rent shall be apportioned.

But if one hath a rent charge, and his father purchase parcell of the land, & that parcell descendeth to the son which hath the Rent charge, then the rent shall be apportioned according to the value of the land, as it is said of rent service, for that that the son cometh to that not by his owne act, but by descent.

Also if I make a lease for terme of yeares, reserving to me a certaine rent, that is called a Rent service, and for that it is

aucun tiel clause de distresse en le fait, donques tiel rent est appel rent seck, & pur tiel rent secke, il ne jammais distrai- nera, mes si fuit un foits seisie, il avera assise, & si il jammais ne fuit seisie, est sans remedy.

Auxy si un graunt un rent issuât hors de la terf ove clause de distresse, cest ū rent charge, & si le rent soit arrere, le grantee poit essier de distraîner ou suer un brieve d'annuity, mes il ne poit aver ambideux; car si port brieve de Annuity, donques le terf est discharge. Et si il distraîn & avow le prisel en Court de record, donqs le terf est charge, & le person del grantor discharge.

Auxy si un graunt un Rent charge, & le grantee purchase le moirie, ou afeun auter part ou parcell de le terre, de quelque petit value q il soit, donqs tout le rent est extinct.

Mes en rent service, si le Seignior purchase parcel del terre, donques le rent serra apportion.

Mes si un ad un rent charge, & son pere purchase parcell del terre, & cel parcell descende a le fitz que ad le rent charge, ore cel rent serra apportion solongue le value dell terre, come est dit de rent service, pur ceo que le fitz ne vient a ceo per son act demestie, mes per descent.

Auxy si iceo face un lease pur terme d'ans, reservant a moy un certaine rent, cest appel un rent service, & pur ceo il est

The Exposition of

est a mon liberty a distrainer p
le rent, ou aver un action de
det, mes si le lease soit deter-
mine, & le rent soit arere, don-
qs ieo ne puisse distraine, mes
serra mis a mon action de det.

Et nota, que si le Seignior
soit seisie des services & rent
avaunt dits, & ils soyent ad-
rere, & il distraine, & le te-
nant rescue le distresse, il poit
aver Assise, ou brieve de Re-
scous: Mes il est plus necessa-
rie pur luy de aver Assise, que
brieve de Rescous, pur tant q
per Assise il recouvrera son rent
& ses dammages, mes per cest
brieve de Rescous il ne recove-
ra mes dammages, & le chose
distrein serra reprise.

Et nota, que si le Seignior
ne soit my seisie del rent & ser-
vice, & ils sont aderes, & il
distreigne pur eux, & le tenant
reprennt le distresse, il ne poit
my aver Assise, mes brieve de
Rescous, & ne covient my al-
Seignior de m're son droit.

Et nota, que si le Seignior
ne poit my trover distresse per
deux ans, il avera vers le tenat
brieve de *Cessavit per biennium*,
ut patet per lestatute de *West-*
minster 2. cap. 21.

Et si le tenaunt devie en le
meane temps, & son issue en-
ter, le Seignior avera vers le
issue brieve de entry sur *Cessavit*,
ou si le tenant alien, le Seigni-
our avera vers le Alience le a-
vaunt dit brieve. Mes si le Seig-
nior ad issue & devie, & le te-
naunt soit en arrerages del dit
rent & services en le temps le

at my liberty to distraine for the
rent, or to have an action of debt,
but if the lease be determined,
and the rent be behinde, then I
cannot distraine, but shall bee
put to my action of debt.

And note well, that if the
Lord be seised of the service and
rent aforesaid, and they be be-
hinde, and he distraine, and the
tenant rescueth the distresse, he
may have Assise, or a writ of
Rescous, but it is moze necessa-
ry for him to have Assise, than
a writ of Rescous, for that by
Assise he shall recover his rent
and his damages, but by a writ
of Rescous he shall not recover
but damages. and the thing di-
strained shall be reprieved.

And note well, that if the
Lord be not seised of the rent &
service, & they be behind, and he
distraine for them, & the tenant
take againe the distresse, he shall
not have Assise, but a writ of
Rescous, and the Lord shall
not need to shew his right.

And note well, that if the
Lord may not find a distresse by
two years, he shall have against
the tenant a writ of *Cessavit*
per biennium, as it appeareth by
the Statute of Westminster. 2. c. 21.

And if the tenant dye in the
meane time, and his issue enter,
the Lord shall have against the
issue a writ of entry upon *Ces-*
savit, or if the tenant alien, the
Lord shall have against the A-
lience the aforesaid writ. But if
the Lord have issue, and dye, and
the tenant be in arerages of the
said rent and service in the time
of

of the father of the issue, & not in the time of the issue, he may not distreyn for the arrerages in the time of his father, and he shall have none other recovery against the tenant, or any other, for that that such advantage is given by the law to the tenant.

And note well, that rent service is that to the which belongeth fealty, but to rent charge & rent secke belongeth not fealty, but it belongeth to rent service of common right.

And note, that if a man distreine for rent charge, and the distresse bee taken against his will from him, & he was never seised before, he hath no recovery but by writ of Rescous, for the distresse first taken, giveth not to him seisin, onely if he hadde the rent before, for if he were seised of the rent before, & after the rent be behinde, and he distreine, and rescous to him be made, he shall have assise, or a writ of rescous.

And note well, that in every assise of rent charge, & annual rent, or in a writ of Annuity, it behoveth to him that bringeth the writ to shew forth an Especialty, or else he shall not maintaine the Assise. But in an Assise of Mortdauncester, or Formedon in the descender, or other writs, (in the which title is given or comprised) brought of rent charge or annual rent, it needeth not to shew the especialty.

And note well, that if a man grant a rent charge to another,

per del issue, & nemy en le temps del issue, il ne poit my distreyn pur arrerages en teps son pere, & n'avera aucun autre recoverie vers le tenant, ou aucun autre, pur ceo que tiel advantage est done per le ley al Tenant. Et nota, que Rent service est ceo a quel appent fealtie, mes a rent charge & rent secke ne appent pas fealtie, mes il appent a rent service de common droit.

Et nota, si home distreine pur rent charge, & le distresse soit rescue de luy, & il ne fuit my seisie adevaunt, il ne ad my recovery forsque per brief de Rescous, car le distresse primerment fait ne done a luy seisin, forsque sil happe le rent adevaunt, car sil fuit seisie del rent adevaunt, & puis le rent soit aderece, & il distreine, & rescous a luy soit fait, il avera assise, ou briefe de Rescous.

Et nota, que en chescun assise de rent charge, & annual rent, ou en un briefe de Annuity, covient a celui, que port le briefe, de monstre a vaunt un especialtie, ou autrement il ne maintiendra le assise. Mes en Assise de Mortdauncester, ou Formedon en le descender, & autres briefes (en les queux title est done ou comprise) porte de rent charge ou de annual rent, nest my besoigne de monstre especialty.

Et nota bien, que si home graunt rent charge a un autre, & le

The Exposition of

& le grantee releffa al grauntor parcel de le rent, uncore tout le rent nest extinct.

Et nota bien, que si rent Charge soit garunt a deux joyntement, & le un releffa, uncore le autre avera le moity del rent. Et auxy si le un purchase le moitie de le Terre, dont le rent est issuant, l'auter avera le moitie del rent de son compaignon: Et si le disseisor charge la terre a un Estrange, & le Disseisee port le Assise & recover, le charge est defeat. Mes si celuy que ad droit, charge la Terre, & un estrange faime un faux action envers luy que nad droit, & recover per default, le charge demura.

Et nota bien, que en case que purparty soit perâter deux percenters, & pluistorre soit allotte a lun que a l'auter, & el que ad plus del terre, charge la terre al autre, & el happe le rent, el maintiendra assise sans especialty.

Et est un rent secke, lou home tient de moy per homage, fealtie, & autre services, rendant a moy un certaine rent per an, & ico grant cest rent a un autre, reservant a moy les services.

Et nota bien, que si rent secke soit grant a un home & ses heyres, & le rent soira de revere, & le grantour devie, le heire ne purra my distrainere, ne recovera les arrerages de temps son pere, sicome est ayaunt de rent service.

and the graunter release to the grauntoz parcell of the rent, yet all that rent is not extinct.

And note well, that if Rent charge be granted to two jointly, and the one release, yet the other shall have the halfe of the rent. And also if the one purchase the halfe of the Land, whereof the rent is going out, the other shall have the halfe of the rent of his companion: and if the disseisor charge the Land to a stranger, and the disseisee bring an Assise and recover, the charge is defeated. But if he that hath right chargeth the land, and a stranger faime a false action against him which hath no right, and recovereth by default, the charge abideth.

And note well, that in case that partition be between two parcers, & more land be allotted to one than to the other, & he that hath most of the land, chargeth her land to the other, & hee happeneth the rent, she shall maintain assise without especialty.

And is a rent secke, where a man holdeth of me by homage, fealtie, and other service, paying to me a certain rent by the yeare, and I grant this rent to another, reserving to me the other services.

And note well, that if Rent secke be granted to a man and to his heyres, & the rent be behinde, and the grantor die, the heire may not distraine, nor shall recover the arerages of the time of his father, as it is before said of rent services.

And

And in the same manner it is to say of Rent charge, or annual rent: But in all these rents before sayd the heire may have for the averages in his owne time, such advantage as his father had in his life. See the Statute 32. Hen. 8. cap. 37.

And note well, that in Rent secke, if a man be not seised of the rent, and it be behinde, he is without recovery, for that that it was his owne folly at the beginning. When the Rent was granted to him or reserved, that he took not seisin of the Rent, as a penny, or two pence.

And note well, that a man may not have a Cessavit per biennium, or any other writ of entry sur Cessavit for no rent secke behinde by two yeares, but only for rent service, as it appeareth in the Statute Westm. 2. c. 21.

And note well, that in Rent secke it behaveth him that sa-eth for the rent secke for to shew a deed to the tenant, or else the tenant shal not be charged with the rent, but where the rent secke was rent service before, as in this case: Lord, mesne, and tenant, and every of them holdeth of other by homage and fealty, and the tenant of the mesne by x. s. of Rent, the Lord Paramount purchaseth the lands or tenements of the tenant, all the Seigniorie of the mesne, but the rent is extinct: And for this cause this rent is become Rent secke, and the rent service changed for he may not distraine for this rent, and in this case hee

Et en mesme le manner est adire d' rent charge ou annual rent: Mes en tous les rents avandits le heire pourroit aver pur arrearages en son temps demesne tiel advantage come avoit son pere en sa vie. Vide Statut. 32. H. 8. cap. 37.

Et nota bien, que en rent seck si home ne soit seisié del rent, & il soit aderere, il est sans recovery, pur ceo que il fuit son folly demesne adiprimés quant le rent fuit grant a luy ou reserve, que il ne prist my seisin del rent, sicome un denier ou deux.

Et nota, que home ne poit my aver Cessavit per biennium, ou un autre briefe Dentre sur Cessavit pur nul rent seck aderere per deux ans, mes ils purront tant solement p' rent service ut pater in lestat. West. 2. c. 21.

Et nota, que en rent secko il covient pur luy que sue pur le rent secke pur monstre fait al tenaunt, ou autrement le tenaunt ne serra my charge d' rent, forsque lou le rent secke fuit rent service adevant, come en cest case: Seignior, mesne, & tenant, & chescun de eux tient de autre per homage & fealtie, & le tenant del mesne per x. s. de rent, le Seignior paramount purchase les terres ou tenements del tenant, tout le Seigniorie del mesne, fors-prise le rent est extinct: Et pur cest cause cest rent est devenu rent secke, & le rent service change, car il ne poit distrain pur cest rent, & en cest case ce-
luy

The Exposition of

luy que demanda le rent ne ferra jammes charge de monstre faire.

Auxy en brieve de *Mortdau-
cester, Ayle, ou Besayle*, de rent
secke, il ne besoigne de mon-
stre especialtie, pur ceo que
ceux briefes de possession
comprehendout un title de-
ins eux mesmes, cestascavoir,
que le Ancestor fuit seisie de
mesme le rent, & continua son
possession, per cause de quel
seisin le ley suppose que est
auxy averrable per le pais.

Tamen quere, car ascuns
supposant q il covient a fine
force a monstre avaunt fayt,
pur ceo que rent secke est un
chose encounter cōmon droit,
auxy bien come rent charge.

Mes en *Affise de Novel dis-
seisin*, & en brieve de *Entre sur
disseisin* port en rent secke, il
covient de fine force de mfe
avaunt fait, pur ceo que rent
secke est un chose encounter
common droit, sinon en le
case suisdit, ou il fuit rent ser-
vice adevaunt, & per l'act del
ley est devenus rent secke.

Et *Affise de Novel Disseisin*,
& brieve de *Entrie sur disseisin*
ne cōteigne deins eux nul title
mes supposunt un disseisin dēt
fait a le plaintife, & de enten-
dement del ley, le disseisin ne
done nul cause de averment en-
counter common droit, mes
de fine force il monstre avant
especialty.

that demandeth the rent, shall
never be charged to shew a
Ded.

Also in a writ of *Mortdau-
cester, Ayle, or Besayle, of Rent
secke*, it needeth not to shew a
specialty, for that these writs
of possession doe comprehend a
title within themselves, that
is to say, that the Ancestor was
seised of the same rent, and con-
tinued his possession, because of
which seisin the law supposeth
that it is also averrable by the
Countrey.

Yet learne, for some suppose
that it behoveth of necessity to
shew forth a Ded, for that that
Rent secke is a thing against
common right, as well as Rent
charge.

But in *Affise of Novel dis-
seisin*, and in a writ of *Entre sur
disseisin* brought of Rent secke,
it behoveth of necessity to shew
forth a Ded, for that that rent
secke is a thing against com-
mon right, except in the case a-
foresaid, where it was rent ser-
vice before, and by the act of
law it is become a rent secke.

And *Affise of Novel disseisin*,
& a writ of *Entrie sur disseisin*,
containe within them no title,
but suppose a disseisin to be
done to the plaintife, and of the
intendment of the Law the dis-
seisin giveth no cause of aver-
ment against common right,
but of necessity it behoveth to
shew forth a Ded.

Replevin.

Replevin is a writ, & it lyeth where any man distraineth another for rent or other thing, then he shall have this writ to the Sheriffe to deliver to him the distrasse; and shall find surety to pursue his action, and if he pursue it not, or if it be found, or judged against him, then he that took the distresse shall have againe the distresse, and that is called the returne of the beasts, and he shall have in such case a writ that is called *Returmo habendo*.

Also if it be in any franchise or Bailiwick, the party shall have a Replevin of the Sheriffe, directed to the Bailife of the same franchise, for to deliver them againe, and he shall find surety to pursue his action at the next County. And this Replevin may be removed out of the County unto the Common place by writ of *Recordare*.

Look more of Replevin in the title of Distresse.

Also a writ of *Homine replegiando* lyeth where a man is in prison, and not by speciall commandment of the King, nor of his Justices, nor for the death of a man, nor for the Kings forest, nor for such cause that is not replevisable, then he shall have this writ directed to the Sheriffe that he cause him to be replevied: this writ is a Justice, & not retournable, and if the Sheriffe do it not, then there shal go forth another writ, *Sicut alias*: & as

Replevin.

Replevin est un briefe, & gist quaut ascun home distreigne un autre pur rent, ou autre chose, donques il avera cest briefe al Viscount, pur deliver a luy le distresse, & trovera surety de poursuivre son action, & si'il ne pursue, ou si soit trove & judged encounter luy, donques cestuy que prist le distresse reavera distresse, & cest appelle retourne des Avers, & il avera en tel case briefe que est appel *Returmo habendo*.

Auxy si soit & ascun franchise ou Bailiwick, le party avera un Replevin del Viscount directe al Bailife de m le franchise, per eux redeliver, & il trovera surety de poursuivre son action al procheine County. Et cest Replevin poir estre remove hors del County en le Common banke per briefe de *Recordare*.

Vide plus de Replevin devant titre *Distresse*.

Auxy briefe de *Homine replegiando* gist sou un home est en prison, & nemy per especiall commandement le Roy, ne des Justices, ne pur le mort de home, ne pur le Forest le Roy, ne pur tel cause que nest replevisable, donques il avera cest briefe direct al Viscount, que il luy faire este replevy: & cest brief est un Justice, & nient retournable, & si le Viscount ne ces face, donques il sera autre briefe, *Sicut alias*: & apres

The Exposition of

apres autre brief, *Sicut pluries vel causam nobis significes*, que sera retornable, & si le Vicont uncore ne face replevin, donques issira un *Attachment* vers le Vicont, directed al Coroners dattacher le Vicont; & de luy amesner devant les Justices a un certaine jour, & ouster ceo que ils facent execution del primer briefe.

Replication.

Replication est quaut le defend en ascun action fayt respons, & le plaintife fait un respons a ceo, ceo est appel le Replication del plaintife.

Reprises.

Reprises sont deductiōs, payments, & duties, que va annualmt, & sont pay hors de un mannour: Come rent charge, rent secke, pensions, corodies, annuities, fees de seneschals, ou baylives, & tiels semblables.

Reprive.

Reprive venust del Francoys (*Repris, Resumptus*), issint que repriver est proprement de resumer un prisoner del execution & proceeding del ley pur ceo temps.

Rere countie.

Rere countie (*Retrocomitatus*) est un poluse en lestat west. 2. cap. 39. & 2. E. 3. cap. 5. & semble per ceux statutes desire ascun publique lieu que le Viscount appoint pur le receit des deniers le Roy apres

terward another writ, *Sicut pluries, vel causam nobis significes*, which shall be retornable, and if the Sherife yet make no replevin, then there shall go forth an Attachment against the Sherife, directed to the Coroners to attach the Sherife, & to bring him before the Justices at a certain day, & furthermore, that they make execution of the first writ.

Replication.

Replication is when the defendant in any action maketh an answer, and the plaintife maketh an answer to that, that is called the Replication of the plaintife.

Reprises.

Reprises are Deductions, payments, and duties, that goe yearly and are payed out of a mannour: As rent charge, rent secke, pensions, corodies, annuities, fees of stewards, or baylives, and such like.

Reprive.

Reprive comes from the french (*Repris*, that is, taken againe) so that to reprive is properly to take backe a prisoner from the execution and proceedings of the law for that time.

Rere countie.

Rere county is a word used in the Statutes of Westminster. 2. cap. 39. & 2. E. 3. cap. 5. and it seemes by those statutes to besome publike place which the Sheriffe appointed for the receiving of the kings mony after

ter that his county court was done.

apres le fine de son County court.

Resceit.

Resceit is when an action is brought against the tenant for terme of life, or tenant for terme of yeares, and hee in the reversion cometh in & prayeth to be received for to defend the land, and to plead with the demandant. And when he cometh it behooveth that he be alway ready to plead with the demandant. In the same manner a wife shall be received for the default of her husband in an action brought against them both. And also tenant for yeares shall be received to defend his right, where in an action brought against the Tenant of the freehold he pleadeth faultily.

Rescous.

Rescous is a writ, and it lyeth when any man taketh a distress, & another taketh it againe from him, & will not suffer him to carry the distress with him, then he doth to him Rescous, & upon that he may have this writ, & shall recover damages.

Also if one distraine beastes for damage feasant in his ground and driveth them in the high way for to impound them, and in going they enter into the house of him whose they be, & he withholdeth them there, and will not suffer the other to impound them, then this withhold-
ing is a Rescous.

Resceit.

Resceit est quant alcun action est port vers tenant pur terme de vie, ou tenant a terme de ans, & cesty en la reversion vient eins & pria deff receive pur defende le Terre, & pur pleader ovesque le demandant. Auxy quant il vient il covient que il soit toutes foits prist a pleader ove le demandant. En mesme le manner un feme serra resceive pur default la baron en action port vers ambideux. Et auxy Tenant pur ans serra resceive a defende son droit, lou en un Action port vers tenant al franktenement il plede faultivement.

Rescous.

Rescous est un brieve, & gist quant alcun home prent distresse, & un aurer reprist l' distresse de luy, & ne voile suffer luy amesner le distres ove luy donques il fait a luy rescous, & sur ceo il poit aver cest brief, & recover damages.

Auxy si un distrain beastes pur damage feasant en la terre & les enchasea p le hault chemin pureux enparker, & en allant ils entrent en la maison de cejuy a que ils sont, & il eux detient la, & ne voile suffer l'auter de eux enparker, donques ceo detainer est rescous.

The Exposition of

Reservation.

Reservation est prise divers voyes, & ad divers natures, come ascun fois per voy de exception, de reserve ceo que un home ad devaunt en luy: Come si un lease soit fait par ans d'terre, reservant les grand arbors crestant sur ceo, ore le lessce ne poit meddle ovesque eux, ne ovesque ascun chose que vient pur reason de eux, cy longe come il denurt en ou sur les arbors, cõe mast d' oak, Chesnut, pomes, ou tielx semblables: Mes fils chient del arbors al terre, donques ils sont en droit le lessce, car le terre est lessce a luy, & tout sur ceo nient reserve, &c.

Ascun fois un reservation obtaine & port hors un autre chose que ne fuit devaunt: come si un home lessce ses terres reservant annualment pur ceo xx.li. &c. Et divers autres tielx reservations y sont.

Et nota, que en ancient temps, lour reservations furent cibien (ou pur le plus part) victuals, soit ceo carne, pille, blees, pane, boyer, ou autrement, come en money, tant al darreine. & specialment en le temps del Roy Henry le 12 per agreement, le reservation de victuals fuit change en priff money, come il ad tanque cy continue.

Residence.

Residence venust del Latine (*Residere*) & est tout

Reservation.

Reservation is taken divers wayes, and hath divers natures, as sometimes by way of exception, to keepe that which a man had before in him: As if a lease be made for yeares of ground, reserving the great trees growing upon the same, now the lessee may not meddle with them, nor with any thing that cometh by reason of them, so long as it abideth in or upon the trees, as mast of Oke, Chesnut, Apples, or such like: But if they fall from the trees to the ground, then they are in right the lessee, for the ground is let to him, and all thereupon not reserved, &c.

Sometimes a reservation doth get and bring forth another thing which was not before: as if a man lease his lands, reserving yearly for the same xx. li. &c. and divers other such reservations there be.

And note, that in ancient time, their reservations were as well (or for the more part) in victuals, whether flesh, fish, corne, bread, drinke, or what else, as in money, untill at the last, & that chiefly in the reign of King Henry 1. by agreement, the reservation of victuals was changed into ready money, as it hath hitherto since continued.

Residence.

Residence comes from the Latine (*Residere*) and it is all

all one with resistance, but that this word Resistance is oftener appropriated to the continuance of a Parson or Vicar upon his Church or Benefice, and so it is used in the Statute of 28. H. 8. chap. 13.

Resignation.

Resignation is where an Incumbent of a Church resigneth or leaveth to the Ordinary, which do admit him to it, or to his successors, and that differeth from surrender, when by that he to whom the resignation is made, hath no interest in the thing so resigned, but he to whom the surrender is made, hath by that the thing it selfe by the surrender.

Resummons.

Resummons is a second summons of a man to answer to an action where the first summons is defeated by the demise of the King, or such other cause. And of this see Coke, lib. 7. fol. 29. b.

Resumption.

Resumption is a word used in the Statute of 31. H. 6. chap. 7. and is there taken for the taking againe into the Kings hands such lands or tenements as upon false suggestion or other error he had made liberty of to an heire, or granted by patent unto any man.

un ovr resistance, si non que cest paroll resistance est plus tost appropriate al continuance dun Parson ou Vicar sur son esglise ou benefice, & ainsi est use en lestatute de 28. H. 8. cap. 13.

Resignation.

Resignation est lou un Incumbent de un Eglise resigne ou relinquish al Ordinaire, que luy ait admit a ceo, ou a ses successeurs, & c' differt del surrender, quant per cel il a q le resignation est fait nad aucun interest en le chose ainsi resigne, mes cestuy a que surrender est fait a voit per ceo le chose mesme per ceo surrender.

Resummons.

Resummons est un second summons dun home pur responder al un action lou le primer summons est defeat per le demise le'roy, ou tiel semblable cause. Et de ceo veies Coke lib. 7. fo. 29. b.

Resumption.

Resumption est un parol use en lestatute de 31. H. 6. cap. 7. & est la prise pur le reprendre en les maines le roy de tiels terres ou tenements come sur faux suggestion ou autre error le roy ussoit deliver al un heire, ou graunt per patent al aucun home.

The Exposition of

Retraxit.

Retraxit est le preterperfect tense de *Retraho*, compounded per *Re* & *Traho*, que signifie *Retraho*, pur evulser arere. Et est quaut le partie plaintife ou demandant vient en proper person en le Court lou son suit est, & dir que il ne voit *ulterius prosequi in placito illo*, &c. Ore ceo terra un bail al action a tous jours.

Reeve.

Reeve est un officer, mes plus conus en auncient temps que a ceo jour: car chescun manour ad donques un Reeve, & uncore en divers copiehold mannors (ou le veise custome ascun chose prevaile) le nosme & office nest en tout oblie: Et est en effect ceo que a ore chescun Baylife de un manour practise, nient obstant le nosme de Baylife ne fuit donques e ure enter nous, esteaunt puis port eins per les Normans: Mes le nosme de Reeve auncientment appelle Gereve, (quel particle (*Ge*) en continuance del temps fuit ousterment omise & perde) vient del Saxon parol *Gerefa*, que signifie un Ruler: Et issint verament son rule & auctorite fuit large deins le compasse del manour son Seignour, & enter ses homes & tenants, siben en choses de government en peace & guerre, come en le skilfull use & trade de husbandrie: Car scome il

Retraxit.

Retraxit is the preterperfect tense of *Retraho*, compounded of *Re* & *Traho*, which make *Retraho*, to pull backe. And is when the party plaintiff or demandant cometh in proper person into the court where his plea is, and saith that he will not proceed any farther in the same, &c. now this will be a bail to the action for ever.

Reeve.

Reeve is an Officer, but more knowne in ancient time than at this day: for almost every Mannour had then a Reeve, and yet still in many Copyhold Mannours (where the old custome any thing prevaileth) the name & office is not altogether forgotten: And is in effect that which now every Bailiffe of a Mannour practiseth, although the name of Bayliffe was not then in use amongst us, being since brought in by the Normans: But the name of Reeve aunciently called Gereve, (which particle (*Ge*) in continuance of time was altogether left out & lost) came from the Saxon word *Gerefa*, which signifieth a Ruler: And so indeed his rule and authority was large within the compasse of his Lords manour, and among his men and tenants, as well in matters of government in peace & warre, as in the skilfull use and trade of husbandry: For as he did gather his Lords rents, pay

r-prises,

repyses, or duties, issuing out of the Mannour, set the Servants to worke, fell and cut downe Trees to repaire the buildings and inclosures, with divers such like for his Lord's commodities. He also he had authority to governe and keepe the tenants in peace, and if need required to lead them forth to warre.

Reversion.

Reverſion of land, is a certaine estate remaining in the lessor or donor, after the particular estate and possession conveyed to another by lease for life, or yeares, or gift in taile.

And it is called a Reversion in respect of the possession separated from it: so that he that hath the one, hath not the other at the same time for being in one body together, there cannot be said a Reversion, because by the uniting, the one of them is dissolved in the other.

And so the reversion of land is the land it selfe when it falleth.

Riot.

Riot, is where three (at the least) or more, do some unlawful act: as to beat a man, enter upon the possession of another, or such like.

Robberie.

Robberie is when a man taketh any thing from the person of another feloniously, although the thing so taken be not

collect les rents del Seignior, pay reprises ou duties, issuant hors del mannour, appoint les servants de worker, succide & decoupe arbres pur repayer les edifices, & enclosures over q divers tiels semblables pur le commoditie del Sñr. Munt auxy il ad au Sñr de gouvner, & gard les tenus en pax, & si besoign d conduet eux & guerf.

Reversion.

Reverſion de terre, est un certaine estate remainant en le lessor ou donor, apres le particular estat & possesſion convey al un auter p lease p vie, ou ans ou done en taile.

Et est appel un Reversion en respect d l' possesſion separate de ceo: Issint que il que ad le un, nad le auter a mesme le temps, car esteant en un corps simul, la ne poit este dit un reversion, pur ceo que per le uniting l'un est merge en l'auter.

Et issint le reversion del terre est le terre mesme quant il eschueſt.

Riot.

Riot est lou trois (al meins) ou plures font aucun illoyal act: come de batre un hoë, entre sur le possession d'un auter, vel cujusmodi.

Robberie.

Robberie est quant un home prent aucun chose del person d'un auter feloniously, coment que la chose prise ne

The Exposition of

soit al value forsque d'un denier, uneore il est felonie, par quel le offender suffera mort.

Rout.

Rout, est quāunt people assemble eux mesmes, & puis procedant, ou chivauchaunt, ou alant avant, ou movent per instigation de un ou plursors, que est conducteur de eux: cest appel un Rout, par ceo que ils movent & proceed en routs & numbers.

Item ou plures assemble eux sur leur quarrels & braules demesne: Come si les inhabitants d'un Ville voile assembler eux, par debruiser huys, mures, fosses, pales, ou tiels semblables, daver common la, ou debatur un auter que ad fait eux un common displeasure, vel hujusmodi, cest un Rout & encounter le ley, coment que ils nont fait ou mis en execution leur male entent: Veies l'estatute 1. M. cap. 12.

to the value but of a peny, yet it is felony, for which the offender shall suffer death.

Rout.

Rout, is when people doe assemble themselves together, and after doe proceed, or ride, or goe forth, & doe move by the instigation of one or more, who is their leader: This is called a Rout, because they doe move and proceed in Routes and numbers.

Also where many assemble themselves together upon their owne quarels and braules: as if the inhabitants of a Towne will gather themselves together to breake hedges, pales, or such like, to have comon there, or to beat another that hath done to them a common displeasure, or such like, that is a Rout, and against the law, although they have not done or put in execution their mischievous intent. See the statute 1. Ma. c. 5.

S.

Sake.

Sake, hoc est placitum & semenda de transgri hominum in curia vestra, quia Sake Anglicè, est Acheson Gallicè, & sake est mis p sick, & dicunt p sick, sake, idem qd p q' acheson, & sake dicunt pur forfeit.

Et veies Keloway Casus incerti temporis, fol. 145. a. que le privileged appel Sake est

S.

Sake.

Sake, that is a pla and correction of trespass of men in your court, because Sake in English, is Acheson in French; & Sake is put for sick, as to say for sicke, sake, also for what hurt, and sake is put for forfeit.

And see Keloway in his cases incerti temporis, fol. 145. a. that the privileged called Sake is for a man

A man to have the amercia-
ments of his tenants in his
owne Court.

Salarie.

Salarie is a word often used in
our bookes, and it signifies a
recompence or consideration gi-
ven unto any man for his
paines bestowed upon another
mans businesse. And it is cal-
led as Pliny sayes lib. 31. Nat.
hist. c. 7. because it is as necessary
for a man as salt, & makes his la-
bour rellish as salt doth his meat.

Sanctuarie.

Sanctuarie is a privileged
place by the Prince for the
safeguard of mens lives which
are offenders, being founded
upon the law of mercie, and up-
on the great reverence, honour,
and devotion which the Prince
beareth to the place wherunto
he granteth such a privilege,
which was heretofore so great,
that the Princes have granted
the same in cases of treason
committed against themselves,
murder, rape, or other crime
whatsoever. h. reof see Stamf. pl.
of the Crowne l. 2. c. 38.

Sarpler.

Sarpler is a quantitie of wool
which in Scotland is called
Serplath, and containeth 80.
stone of wool, and with us in
England a load of wool con-
taineth (by the opinion of some)
fourtye tonnes, and every of
the tonnes containe two stone, &
every stone fourtye pounds,

d'auter les amerciements de
ses tenants en son court de-
mesme.

Salarie.

Salarie (*Salarium*) est un pa-
rol mult use en nostre U-
vers, & signifie un recompence
ou consideration done al ascu
pur son labour imply sur les
besoignes dun auter. Et est il-
lunt appel come Pliny dit li. 31.
Nat hist. cap. 7. quia tam neces-
sarium est quam sal homini, &
labores suos sapit ut sal cibis.

Sanctuarie.

Sanctuarie est un lieu privi-
ledge pet le Sovereigne pur
le garder des vies du homes
queux sont pechers, esteant
foundue sur le ley de mercie, &
sur le grand reverence, honor,
& devotion, q' le Sovereign port
al lieu a q's il granta ciel privi-
ledge, q' fuit si grand en temps
passe, que les Sovereignes ont
graunt mesme en cases de trea-
son perpetres encontre eux
mesmes, murder, rape, ou au-
ter crime quecunque, de ceo
veies *Stamford pl. del. cor. li. 2.
ca. 38.*

Sarpler.

Sarpler est un quantitie de
lane que en Escocce est ap-
pelle Serplath, & contaigne
80. stone de lane, & ove nous
en Anglitterre un corde de lane
consista (p le opinion de as-
cuns) de 80. todde & chescun
de ceux tonnes containe deux
stone, & chescun stone 14. lie-
vers,

The Exposition of

vers, & que un sacke de lane est en frequent estimation egal ove un corde, & un Sarpler le moitie dun sacke.

Scandalum magnatum.

Scandalum magnatum est un male report invent ou dispersé al prejudice ou slander dascun grand personage ou officer del Realme. Le punishment pur que est inact p divers statutes, viz. West. 1. cap. 33. 2. R. 2. cap. 5. & 12. R. 2. cap. 11.

Scavage.

Scavage ou *Shewage* est un tolle exact per les Maiors, Viscounts, & Baylifes des Cities & Boroughs corporate, pur wares ou merchandize monstres destte vendus deins leur precincts & jurisdiction, quel action esteant encounter le privilege des subjects le Roy, fuit inhibité per un statute fait 19. H. 7. ca. 8. veies 21. H. 7. fo. 14. a. & veies le statute de 22. H. 8. cap. 8. in fine.

Scire facias.

Scire facias est un briefe judicial issuant hors d record, & gist lon un ad recover dette ou damages en court le roys & il ne sue pas daver execution deins lan & le jour, donqs apres lan & jour il avera le dit briefe a gainer le partie, & si le partie ne vient, ou il vient & ne seavoit riens dire encounter execution, donqs il avera un briefe de *Fieri facias*, direct

and that a sack of wool is in common account equal with a load, and a Sarpler the one halfe of a Sacke.

Scandalum magnatum.

Scandalum magnatum is an evil report invented or dispersed to the prejudice or slander of any great personage or officer of the Realme. The punishment for which is enacted by divers statutes, viz. Westm. 1. chap. 33. 2. R. 2. chap. 5. & 12. R. 2. chap. 11.

Scavage.

Scavage or *Shewage*, is a tolle exacted by the Maiors, Sheriffs, and Baylifes of Cities and Townes corporate, for wares or merchandize sheword to be sold within their precincts or jurisdiction, which exaction being against the privilege of the Kings subjects, was prohibited by a statute made in 19. H. 7. chap. 8. see 21. H. 7. fol. 14. a. and the statute of 22. H. 8. chap. 8. in the end thereof.

Scire facias.

Scire facias is a writ judicial going out of the record, & it lyeth where one hath recovered debt or damages in the Kings court, and he sueth not to have execution within the yeare and the day, then after the yeare and the day, he shall have the sayd writ to warne the party, and if the party come not, or if he come and nothing say, to discharge or stay the execution, then he shall have

have a writ of Fieri facias directed to the Sheriffe, him commanding that he levy the debt or damages of the goods of him that hath lost.

Also the writ of Fieri facias lyes within the yeare without any Scire facias sued.

Also if the summe of the same debt or damages may not be levied of the goods of him that hath lost them, he may have a writ of Elegit directed to the Sheriffe, that he cause him to deliver the one halfe of his lands and goods, except his oxen, and implements of his cart.

Also when one hath recovered debt or damages in an action personall, (where the proces is a Capias) he may have another writ of execution called a Capias ad satisfaciendum, to take the body of him that is so condemned, which shall be committed to Prison, there to abide without baile or mainprise, till that he hath satisfied the party.

And when one hath judgment to recover any lands or tenements, he shall have a writ called Habere facias seisinam directed to the Sheriffe, him commanding to deliver to him seisin of the same land so recovered: see more of that in the title Fieri facias, and in the title Execution.

Scot.

Scot, that is to be quit of a certaine Custome, as of common tallage made to the use of the Sheriffe or Bayliffe.

al Viscount, luy commandant q il levie le dette ou les damages des biens celuy que le perdue.

Auxy le briefe de Fieri facias gist deins lan sans aucun Scire facias suer.

Auxy si le summe de mesme le dette ou damages ne poit estre levie des biens celuy que avoit perdue, donques il poit aver un briefe de Elegit, direct al Viscount, que il face luy deliver la moierie de sa terre & biens, except ses boves, & afries de sa carve.

Auxy quant un ad recoverer ou damages en action personall, (ou le proces est un Capias) il poit aver un autre brief de executio, appelle Capias ad satisfaciendum, pur prendre le corps celuy que est issint condamnie, que serra commit al prison, ilonques a demurrer sauns baile ou mainprise, ranq il ad satisfie le partie.

Auxy quant un ad judgement d recover aucun terre ou tenements, il avera un briefe appelle Habere facias seisinam directe al Viscount, luy commandant, de deliver a luy seisin de mesme le terre issint recou. Veies plus de ceo en le title Fieri facias, & en le title Execution.

Scot.

Scot, hoc est quietum esse de quad consuetud, sicut de communi tallagio facto ad opus Vicecom vel baliv' ejus.

Scotale.

The Exposition of

Scotale.

Scotale est un extortion prohibi per le Charra del Forest, cap. 7. & est l'ou ascun officer del forest reuist un Ale-house al intent q poit aver le custome des inhabitants deins le forest, de venter & expender leur deniers ove luy, & par ceo il conniver a leur offences commise deins le forest.

Sellion.

Sellion (*Sellio*) venist d' Francois *Sellon*, id est terra elata inter duos sulcos, en Latino *Parca*, & nest d' ascun certain quantite, mes ascun foirs containe plus, & ascun foirs meins. Et par ceo *Crompton* en son Jurisdiction des Courts, fol. 221. dit que un sellion ne poit este demand, eo que est uncertain.

Seneschal.

Seneschal (*Senescallus*) est li parol Francois, emprant del Germanois, & signifie un que avoit le dispensation d' Justice en ascun particular cases cõe *Stamf. pl. cor. fo. 152. B.* Le grand Seneschal del Angleterre, ou des affaires dun familie, come *Cromptons Jurisdiction fo. 102.* Seneschal del Hostel le Roy, & lestatute de 25 E. 3. stat. 5. cap. 21. & others.

Sequestration.

Sequestration est le mitter a part dun chose in contro-

Scotale.

Scotale is an extortion prohibited by the statute of Charta de Foresta, cap. 7. and it is where any officer of the forest keeps an ale-house, to the intent that he may have the custome of the inhabitants within the forest to come and spend their money with him, and for that he shall swinke at their offences committed within the forest.

Sellion.

Sellion comes of the French (*Sellon*) that is to say, the ground rising betwene two furrows, in latine *Parca* a ridge. & it is not of any certaine quantity, but sometimes more, and sometimes lesse. And therefore *Crompton* in his Jurisdiction of Courts, fol. 221. saith that a Sellion cannot be demanded, because it is uncertain.

Seneschall.

Seneschal (*Steward*) is a French word borrowed of the Germans, and signifies one that hath the dispensing of Justice in some particular cases, as *Stamf. pl. of the Cr. fol. 152. B.* the high Steward of England, or of the affaires of a family, as *Cromptons Jurisdiction, fol. 102.* Steward of the Kings household, and 25. E. 3. stat. 5. cap. 21. and others.

Sequestration.

Sequestration is the setting aside of a thing in controver-

He from the possession of both those that contend for it. It is used also for the act of an Ordinary, when no man will meddle with the goods and chattels of one deceased, as 4. & 5. M. Dyer fol. 160. b. & 7. Eliz. Dyer 232. a. And so it is used also for the gathering of fruits and profits of a benefice void, unto the use of the next Incumbent, by the Statute of 28. H. 8. chap. 11.

Knights service.

To hold by Knights Service, is to hold by Homage, Fealty, & Esuage, & it draweth to it ward, marriage, & reliefs.

And note that Knights service is service of lands or tenements, to beare Armes in war in defence of this Realme, and it oweth ward and marriage by reason that none is able, nor of power, or may have knowledge to beare Armes before that he be of the age of xxi. yeares. And to the end that the Lord shall not lose that that of right he ought to have, and that the power of the Realme be nothing weakened, the Law will because of his tender age that the Lord shall have him and his lands in his ward till the full age of him, that is to say, xxi. yeares.

Looke of that more in the title Grand Serjeantie, and in the title Esuage.

Shack.

Shack is a peculiar name of Common, used in the Countrey of Norfolk, and Cartell

versie del possession d' ambideux que contend pur ceo. Et use auxy pur le act dun ordinary, quaut nul voit intramitter ove les biens & chattels dun q est mort, cō en 4. & 5. M. Dyer fo. 160. b. & 7. El. Dy. f. 232. a. Et issint est use auxy p l' collector des fruits & profits dun benefice q est void, al use del prochein Incumbent, per lestatute de 28. H. 8. cap. 11.

Service de Chevalier.

Tener per Service de Chevalier, est a tener per Homage, Fealty, & Esuage, & treit a luy gard, marriage, & reliefs.

Et nota, que service de Chevalier est service de terres ou tenements, pur armes porter en guerre en defence del Royalme, & doit garde & mariage appent, per reason que nul est able, ne de power, & ne poit aver consuls de armes porter, devaunt que il soit del age de 21. ans. Et al fine que le Seignour ne perdra ceo que de droit il poit aver, & que la power de la Royalme de rien ne soit enfeeble, la ley voert per cause de son tender age, que le Seignour luy avera en la Garde tanque al plein age de luy, cest a sçavoir 21. ans.

Veies de ceo pluis en le title Grand Serjeantie, & en le title Esuage.

Shack.

Shack est un peculiar nomme de common use en le pais de Norfolk, & avets de aler a shack,

The Exposition of

a shack, est tant adite come de
aler a libertie, ou d'aler a large.
Et cest common appel Shack,
que en le commencement fuit
forsque en nature de un fee-
ding, pur cause de vicinage, p
avoiding d'aler & ascuns lieux
deins cest pays est par custome
alter en nature dun common
appendant ou appartenant, &
en ascuns lieux deo retaine son
original nature. *Coke lib. 7.
fol. 5.*

Sessions.

Sessions en nostre ley est un
seance des Justices en court
sur leur commission, come
les Sessions de Oyer & Ter-
miner, *St. pl. Cor. fol. 67.* Quar-
ter Sessions, autrement appelle
general Sessions, ou overt ses-
sions, *Anno 1. Eliz. cap. 4.* en-
counter queux sont private ou
especial sessions, queux sont
procure sur ascuns especial oc-
casion, pur le plus sabite se-
sante de Justice, *Crompt. Inst. de
de P. fol. 110.* Queux choses
sont enquirable en general
Sessions, veies *Crompt. ut supra,
& fol. 109.* Petit sessions, ou
statute sessions, sont tenus par
le hault Constable de chescun
hundred par le placing de ser-
vants, *An. 5. Eliz. c. 4.* in fine.

Sewers.

Sewers semble destre un pa-
rol compound des deux pa-
rols Francois, (*seoir, sedere,
& eau, aqua*) par ceo que les
sewers sont Commissioners q
seant par vertue de leur com-

go to Shack, is as much to say,
as to goe at liberty, or to goe at
large. And this Common called
Shack, which in the beginning
was but in nature of a feeding,
by cause of vicinage, for avoid-
ing of suits, in some places
within this Country, is by cu-
stome altered into the nature of
Common appendant or appur-
tenant, and in some places it
retaineth its original nature.
Coke lib. 7, f. 5.

Sessions.

Sessions in our Lawes a se-
ting of Justices in Court
upon their commission, as the
Sessions of Oyer & Terminer,
St. Pl. Cor. fol. 67. Quarter
Sessions, otherwise called ge-
nerall Sessions, or open Ses-
sions, *1. Eliz. chap. 4.* opposit
whereunto are private or espec-
ial Sessions, which are putte
red upon some especial occasi-
on, for the speedy expedition of
Justice, *Crompton Justice of P.
fol. 100.* What things are in-
quirable in generall Sessions,
see *Crompt. ut supra,* and fol.
109. Petit Sessions or statute
Sessions are held by the High
Constables of every Hundred
for the placing of servants, *An.
5. Eliz. cap. 4.* in the end.

Sewers.

Sewers seems to be a word
compound of two French
words (*seoir, to sit, and eau,
water*) for that the Sewers
are Commissioners that sit by
vertue of their Commission
and

and authoritie grounded upon divers statutes, to enquire of all nuisances and offences committed by the stopping of rivers, erecting of mills, not repairing of bankes and bridges, &c. and to tax and rate all whom it may concerne for the amending of all defaults which tend to the hindrance of the free passage of the waters through her old and ancient courses. See the statute of 6. H. 6. chap. 5. & 23. H. 8. chap. 5. for the forme of their commission.

Severance.

SEverance is the singling of two or more that are joyned in a writ: as if two are joyned in a writ De libertate probanda, & the one afterward is nonsuited, in this case severance is permitted, so that notwithstanding the nonsuit of the one, the other may alone proceed, F.N.B. f. 78. See of this Brook. tit. Severance & Summons, f. 238. For it is harder to know in what cases Severance is permitted, than what it is. There is also Severance in Assise, old Booke of Entries fol. 81. Col. 4. And Severance in Attaint, fol. 95. Col. 2. And Severance in debt, fol. 200. Col. 1. And Severance in Quare impedit, Co. 1. s. 6. 97.

Shewing.

SHewing, that is to be put with attachment in any court, and before whomsoever, in plaints shewed, and not answered.

mission & authoritie foundue sur divers statutes, d'inquire des tous nuisances & offences faits per lestopper des rivers, erecter des molins, non reparrer des bankes & bridges, &c. & pur taxer & rater tous qu'il poit concerne pur le amender des tous defaults que sont al hindrance del francke passage del eave per ses vieux & anciens currants. Veies lestat. 6.H.6.cap.5. & 23.H.8. cap.5. per le forme de leur commission.

Severance.

SEverance est le mitter hors de un ou plusors que sont joyne en un brieve: Come si deux sont joyne en un brief De libertate probanda, & puis l'un soit non suit, en cest case severance est permit, il s'entend & nient obstant le nonsuit de l'un, le autre poit severalement proceed, F.N.B. fo. 78. de ceo veies Br. tit. Severance et Summons, f. 238. Car est plus dur a cognostre en queux cases Severance est permit, que quel y est. La est auxy severance en Assise, veie leur Dentries fo. 81. Co. 4. Et severance en Attaint, fo. 95. Co. 2. Et severance en Dette, fo. 200. Col. 1. Et severance en Quare impedit. Coke lib. 5. fo. 97.

Shewing.

SHewing, hoc est quietu esse cum attachiamento in aliqua Curia, & coram quibuscumq. in querelis ostensis, & non advocat.

The Exposition of

Sok.

Sok, hoc est secta de homin
in Curia vestra, secundum
consuetud regni.

Sokmans.

Sokmans sont les tenants en
ancien Demesne, queux
tient leur terres per socage,
c' adire de service del Carve,
& pariceo ils sont appelle Sok-
mans, que est tant adire come
Tenants, ou homes qux tient
per service del Carve, ou hōes
del Carve: Car Sok signifie un
Carve.

Et ceux Sokmans ou Te-
nants en ancien Demesne,
ont plusors & divers liberties
done & grant a eux per le ley,
cybien ceux Tenaunts queux
tient d'un common person en
ancien Demesne, come ceux
queux tient del roy en ancien
Demesne, come nosmement
deste quite de payer Toll en
chescun Marker, Fayre, Ville,
Citie, & per tout le Royalme,
cybien pur leur Biens & Chat-
tels que ils vende as auters,
come per ceux choses que ils
achaterount pur leur provisi-
on, de auters. Et sur ees ches-
cun de eux poyt suer d'aver
Lettres Patentes desous le
Seale le roy, directes a les Offi-
cers, & al Majors, Bailifes, &
aufs Officers en le royalme, &
suffer eux destre quit de tolle.

Item destre quit de pontage,
murage, & passage, & auxy de
taxes & tallages grant per Par-
liament, sinon q' le Roy taxe

Sok.

Sok, that is suit of men in
your court, according to the
custome of the realme.

Sockmans.

Sockmans are the Tenants in
ancien demesne, that hold
their lands by Socage, that is
by service with the plow, and
therfore they are called Sock-
mans, which is as much to say,
as Tenants, or men that hold
by service of the plow, or
plowmen: For Sok signifieth
a plow.

And these Sockmans or Te-
nants in ancien demesne have
many and divers liberties given
& granted to them by the law,
as well those tenants that hold
of a common person in ancien
Demesne, as those that hold of
the King in ancien demesne;
as namely to be free from pay-
ing toll in every Market, Fair,
Towne, and City throughout
the whole Realme, as well for
their Goods and Chattels that
they sell to others, as for those
things that they buy for their
provision, of other. And there-
upon every of them may sue to
have Letters Patentes under
the Kings seale, directed to his
Officers, and to the Majors,
Bayliffes, and other Officers
in the Realme, to suffer them to
be Toll-free.

Also to be quit of pontage,
murage, and passage, as also of
taxes and tallages granted by
Parliament, except that the
King

King take ancient demefne, as he may at his pleasure, for some great cause.

Also to be free from payments towards the expences of the Knights of the Shire that come to the Parliament.

And if the Sheriffe will distraine them, or any of them to be contributory for their lands in ancient Demefne, then one of them, or all as the case requirerh, may sue a writ directed to the Sheriffe, commanding him that he do not compell them to be contributory to the expences of the Knights. And the same writ doth command him also, that if he have already distrained them therefore, that he redeliver the same distresse.

Also that they ought not to be impanelled, nor put in Juries and Enquests in the Country out of their Mannor or Lordship of ancient demefne, for the lands that they hold there, (except that they have other lands at the common law, for which they ought to be charged.) And if the Sheriffe do returne them in panels, then they may have a writ directed to him, *De non ponendis in assis & juratis*: And if he doe the contrary, then lyeth an Attachment upon that against him.

And so it is also if the Baylives of Franchises that have returne of writs, will returne any of the tenants which hold in ancient Demefne, in Assises or Juries.

And also to be exempt from

ancient demefne, come il poyt a son pleasure, pur grand cause.

Auxy destre quit de payement a les expences del Chivalers del Shire, queux vient al Parliament.

Et si le viscount voyle distreyner eux, ou ascun de eux dec contributorie p leur terre en ancient demefne, donques l'un de eux, ou tous, come le case require, poit suer un brief directe al viscount, luy commandant que il ne compelle eux destre contributories al expences de chivalers. Et mesme le brieve luy command auxy, que si il ad distrain-eux pur ceo. que il redeliver mesme le distresse.

Item que ils ne deveront estre impanel, ne mis en Juries & Enquests en le pays hors de leur Mannor ou Seigniory de ancient demefne, pur les terres queux il teigne la (si non que ils ont auters teris al common Ley, pur queux il deveront estre charge.) Et si le viscount retourne eux en panels, donques il poyent aver un brieve direct a luy *De non ponendis in assis & juratis*: Et si face al contrary, donques gist attachment sur ceo envers luy.

Et issint est auxy si les Baylives des franchises queux one retourne des briefes voile retourne ascun del tenants queux teign en ancient demefne en assises, ou juries.

Et auxy destre exempts del

The Exposition of

Loets, & de Turnes de Vicont,
oversq̄ divers autres semblable
liberties.

Loets, & the Sheriffes Turnes,
with divers other such like li-
berties.

Socage.

Socage.

Tener en *Socage* est a tener
de alcun Seignieur terres
ou tenemens, rendant a luy
un certaine rent per an pur
touts maniers des services.

To hold in *Socage* is to hold
of any Lord lands or tene-
ments, yielding to him a cer-
taine rent by the yeare for all
manner of services.

Et nota, que tener per *Socage* nest pas tener per service
de Chivaler, ne la appent gard
mariage, ne reliefe. : Mei ils
doubleront un foiz leur rent
apres le mort leur Ancestor,
selonque ceo q̄ soloient paye-
ra leur Seignieur.

And note well, that to hold
by *Socage* is not to hold by
Knights Service, nor to it be-
longeth ward, marriage, nor re-
liefe: But they shall double once
their rent after the death of
their Ancestor, according to
that that they be wont to pay to
their Lord.

Et ils ne ferreront ouster mea-
sure greeves, come il appiert
en le Treatise de Gards & re-
liefe.

And they shall not be over
measure grieved, as it appea-
reth in the Treatise of Wards
and Reliefe.

Et nota, que *Socage* poit
estre dit en trois maniers, ce-
stascavoir, *Socage* en franke
tenure, *Socage* en ancien ten-
nure, & *Socage* en base tenure.

And note well, that *Socage*
may be said in 3. maners, that
is to say, *Socage* in free tenure,
Socage in ancient tenure, and
Socage in base tenure.

Socage en franke tenure, est
quaint un tient d'un p̄ fealty
& certaine rent pur tous ma-
nier des services, come devant
est dit.

Socage in free tenure, is
when one holdeth of another
by fealty and certaine rent for
all manner of services, as is be-
fore said.

Et de tous terres tenus en
Socage le prochain amy avera
le Gardē, a que le heritage
ne purra my discender tan-
quelal age le heire per xliij. ans
cestascavoir, si le heritage
veigh per le pt le pere, ceux
del part le mere averont le
gard: Et contra.

And of all lands holden in
Socage the next kinshoddy shall
have the ward, to whom the he-
ritage may not descend till the
age of xliij. yeares, that is to
say, if the heritage come by the
part of the father, they of the
part of the mother shall have the
ward: and contrariwise.

Et nota bien, si gardian en
Socage fait waste, il ne serra
my

And note well, that if the gar-
dian in *Socage* do make waste,
he

he shall not be impeached of waste, but he shall yield accompt to the heire when he shall come to his full age of xxi. yeares. And looke the Statute of Marlebridge, c. 7. for this matter.

Socage of ancient tenure, is that where the people held in ancient demesne, which use no other right to have then the writ of Right close; which shall be determined, according to the custome of the Mannour, & the Monstraverunt, for to discharge them when their Lord distraineth them for to doe other services that they ought not to doe.

And this writ of Monstraverunt ought to be brought against the Lord, and these tenants hold all by one certaine service, and these be free tenants of ancient demesne.

Socage in base Tenure, is where a man holdeth in ancient demesne, that may not have the Monstraverunt, and for that it is called the base tenure.

Summons ad warrantizandum, &c.

Summons ad warrantizandum, and Sequatur sub suo periculo. See of them after in the title Voucher.

Spoliation.

Spoliation is a suit for the fruits of the Church, or for the Church to self, and it is to be sued in the Spiritual Court, and not in the Temporal Court. And this suit lyeth for one Incumbent against an-

my impeache de wast : Mes il rendra accompt al heire quant il viendra al plein age de xxi. ans. Et veies le statute de Marlebridge, capit. 17. pur cest matter.

Socage de ancien tenure, est ceo lou les gentes en ancien demesne tenoyent, que ne soyoyent auter brieve avoir que le brieve de Droit close, que serra determinee, *Secundū consuetudinem manerii*, & le Monstraverunt, pur eux discharge quant lour Seignior eux distraigne pur faire auters services que faire ne duissent.

Et cest brieve de Monstraverunt doit estre port chvers lour Seignior, & ceux tenants reignent tous pur uncertaine service, & ils sont franke tenants de ancien demesne.

Socage en base tenure, est lou home tient en ancien demesne, q ne poit aver le Monstraverunt, & pur ceo il est apel le base Tenure.

Summons ad warrantizandum, &c.

Summons ad warrantizandū, & Sequatur sub suo periculo. Veies de ceux apres en le title Voucher.

Spoliation.

Spoliation est un suite pur les fruits d'un Eglise, ou pur L'Eglise mesme, & est destee sue en le Spiritual Court, & nemy en les Temporal courts. Et cest suite gist pur un Incumbent envers un auter Incumbent,

The Exposition of

cumbent, ou ils ambideux claime per un Patron, & lou le droit del Patronage ne vient en question ou debate. Come si un Parson soit cree un Evesque, & ad dispensation de tener son Rectorie, & puis le Patron present auter Encumbent, que est institute & induct: Ore le Evesque poit aver envers cestuy Encumbent un Spoliation in le spirituell Court, pur ceo que ils ambideux claime per un Patron, & le droit del Patronage ne vient en debate. & pur ceo que l'auter Encumbent vient al possession del benefice per le course del Ley spiritual, cestascavoir, per institution & induction, issint que il ad colour de aver ceo, & deste Parson p le esprituell Ley: Car auterment sil ne soit institute & induct, &c. Spoliation ne gist envers luy, mes pluistost un briefe de Trespasse, ou un Assise de *Novel disseisin*, &c.

Assint auxy, lou un Parson que ad pluralite, accept auter benefice, per reason de que le Patron present un auter Clerk que est institute & induct, ore l'un de eux poit aver Spoliation envers le auter, & doncs viendra en debate si il ad un sufficient pluralite ou non. Et issint est de deprivation, &c.

Mesme le ley est, ou un dit a le Patron, que son Clerk est mort, sur que il present un auter: la le primer Incumbent que fuit surmise destre mort,

other Incumbent, where the both claime by one patron, and where the right of the Patronage doth not come in question or debate. As if a Parson be created a Bishop, and hath dispensation to keepe his benefice still, and afterward the Patron presents another Incumbent, which is instituted & inducted, Now the Bishop may have against that Incumbent a Spoliation in the spiritual court, because they claime both by one Patron, and the right of the patronage doth not come in debate, and because that the other Incumbent came to the possession of the benefice by the course of the spiritual law, that is to say, by institution & induction, so that he hath colour to have it, & be Parson by the spiritual Law: for otherwise if he be not instituted & inducted, &c. Spoliation lyeth not against him, but rather a writ of Trespass, or an Assise of Novel disseisin, &c.

So it is also where a Parson which hath a plurality, doth accept another benefice, by reason whereof the Patron presents another Clerke, who is instituted and inducted, now the one of them may have Spoliation against the other, and then shall come in debate if he have a sufficient plurality or not. And so it is of deprivation, &c.

The same law is where one saith to the Patron, that his Clerke is dead, whereupon he presents another: there the first Incumbent which was supposed

led to be dead may have a Spoliation against the other. And so it is in divers other like cases, wherof see Fitz. N.B.f. 36. G. &c.

Stablestand.

Stablestand is a terme of the Forrest lawes, & it is when one is found standing in the Forrest with his bow bent ready to shoot at any Dêre, or with his Greyhounds in a lease ready to slip. See Manw. For. lawes c. 18. f. 133. b.

Stallage.

Stallage, that is to be quit of a certaine Custome exacted for the Great taken or assigned in Faires and Markets.

Statute Merchant.

To hold by Statute Merchant, is where a man knowledgeth to pay certaine money to another at a certaine day before the Mayor, Baylife, or other Wardene of any Towne that hath power to make execution of the same Statute, and if the Obligor pay not the debt at the day, and nothing of his goods, lands, or tenements may be found within the ward of the Mayor, or Warden before said, but in other places without, then the Recognisee shal sue the Recognisance and Obligation with a certification to the Chancery under the Kings seale, and he shall have out of the Chancery a Capias to the Sheriffe of the County where he is to take him, & to put him in prison, if

poir aver un Spoliation envers l'auter. Et issint en divers autres semblables cases, de q veies Fitz. N.B. fol. 36. G. &c.

Stablestand.

Stablestand est un terme del forest leyes, & est quant un este trove esciant en le forest ove son arc tend prist d'escocher al un daim, ou ovef q ses leuriens en un lesse prist de glisser. Veies Manw. For. leyes cap. 18. fo. 133. b.

Stallage.

Stallage, hoc est, quietum esse de quadâ consuetudine exacta pro platea capē vel assignat in Nundin & Mercat.

Statute Merchant.

Tener per Statute Merchant Testi ou home conust a payer certaine deniers a un auter a certaine jour devant le Mayor, Baylife, ou auter Gardien de ascun ville que ad poyar de faire execution de mesme le Statute, & si le Obligor ne paya le det a le jour, & rien de ses biens, terrēs, ou tenements ne purront estā trover deins le garde le Mayor ou Gardien avantdit, mes en autres lieux dehors, donques le recognisee suera le recognisance & Obligation ove un Certification a la Chancerie desouth le seale la Roy, & il avera hors de la Chancerie un Capias al viscount del County lou il est d luy prender, & mitter luy en prison, si il ne soit

The Exposition of

Clerke, tanque il ad fait gree de la dette. Et un quarter de l'an apres ceo que il sera prise, il avera sa terre liver luy mesme pur faire gree a le partie de le dette, & il poit vender sa terre tanque il est en prison, & son vendition sera bone & loyal. Et si il ne face gree deins le quarter d'un an, ou sil soit returne que il nestrove, & si il ne soit Clerke, adonques le recognisee poit aver brieve de le Chancery, que est appel *Extendi facias*, direct ad tous Viscounts lou il ad terres do extender les terres & biens, & les biens a luy deliver, & luy seiser en ses terres, a tener eux a luy & a ses heires, & a ses assignes, tanque le debt soit leve ou pay, & pur cel temps il est tenant per Statute Merchant.

Et nota bien, que en un statute Merchant le recognisee avera execution de tous les terres que le recognisor avoit jour de la recognisance fait, & aucun temps puis per force de mesme le statute.

Et nota bien, Que quant aucun waste ou destruction est fait per le recognisee, ses executors, ou per celuy q ad son estate, le recognisor ou ses heirs averont mesme la ley, come est suiddit de la tenant per *Elegit*.

Et nota bien, si le tenant per le Statute Merchant tient ouster son terme, cestuy que ad droit poit suer envers luy u *Venire facias*, *ad computandum*,

he be not a Clerke, till he have made agreement of the debt. And one quarter of the yeare after that he shall be taken, he shall have his land delivered to himselfe, and make gree to the parties of the debt, and he may sell his land while he is in prison, and his sale shall be good and lawfull. And if he do not make satisfaction within a quarter of a yeare, or if he be returned, that he be not found, & if he be not a Clerke, then the recognisee may have a writ out of the Chancery, which is called *Extendi facias*, directed to all Sherriffes where he hath lands, to extend his land & goods, & to deliver the goods to him, and to seise him in his lands to hold them to him and to his heires & his assignes, till that the debt be levied or payed, & for that time he is tenant by Statute merchant.

And note well, that in a Statute Merchant the recognisee shall have execution of all the lands which the recognisor had the day of the recognisance made, & any time after by force of the same statute.

And note well, that when any waste or destruction is made by the recognisee, his executors, or by him that hath his estate, the recognisor or his heirs shall have the same law, as is before said of the tenant by *Elegit*.

And note well, that if tenant by Statute Merchant hold over his terme, he that hath right may sue against him a *Venire facias ad computandum*, or else enter

enter by and by, as upon tenant by Elegit. See the Statute 11. Ed. 1. and of Aston Burnel, and 13. E. 1. de Mercatoribus.

ou enter tantost, sicome sur le tenant per Elegit. Veies le stat. 11. E. 1. & de Aston Burnel, & 13. E. 1. de Mercatoribus.

Superfedeas.

Superfedeas is a writ that lyen in divers cases, as it appeareth by Fitz. N. B. fol. 236. A. but it is alwayes a command to stay some ordinary proceeding in law, which ought otherwile to proceed.

Superfedeas.

Superfedeas est un brieve que gist en divers cases, come appiert per Fitz. N. B. fol. 236. A. mes est tous foits un precept pur tarier ascun processa en ley, que autrement doit ordinariment proceder.

Supplicavit.

Supplicavit is a writ directed out of the Chancery unto the Sheriffe and some Justices of the Peace in the County, or to one or more Justices without the Sheriffe, for the taking of the surety of such an one as it is prayed against, that he should keepe the peace, and this is by the Statute of 1. E. 3. cap. 16. see Fitz. N. B. 30. C. and see now the stat. 21. Jac. cap. 8.

Supplicavit.

Supplicavit est un brief direct hors del Chancery al Viscount & alguns Justices del peacc en le County, ou al un ou plus Justices del peacc, sans le viscount, pur le prender del surety dun tiel vers q est prie que il gardera le peacc, & ceo est per lestatute 1. E. 3. cap. 16. veies Fitz. N. B. fol. 30. C. & veies ore lestatute de 21. Jac. cap. 8.

Stilyard.

Stilyard is a word used in the Statute of 22. H. 8. chap. 8. where the Hanse Merchants are called the Merchants of the Stilyard, which is a place in London where these Merchants or their brotherhood have their abode. And the house is said to be so called, for that it is built upon a Court in which Steele was wont to be much sold.

Stilyard.

Stilyard est un parol use en lestatute de 22. H. 8. cap. 8. Iou les Merchants Teutonicks sont appellez les Merchants d'I Stilyard, que est un lieu en Londres Iou ceux Merchants ou le fraternity d'eux ont leur abode. Et ceo meise est dit destre issint appel pur ceo que est edifie sur un court en que Acier soloit destre usualment vendus.

The Exposition of

Suffragan.

Suffragan est un parol use en le statute de 26. H. 8. cap. 14. & signifie un titular Evesque, ordeine de ayder & assister Levesque des Dioces en son spiritual function. Et est appel *Suffraganeus* en Latine, pur ceo que per son suffrage ecclesiastical causes sont estre adjudges.

Sur cui in vita.

Sur cui in vita est un briefe que gist pur le heire dun inheritrix, lou le baron alien le inheritance sa feme, & le feme morust devant que il ad ceo recover en un *Cui in vita*: veies de ceo Fitz. N.B. fo. 194.C.

Surplusage.

Surplusage venust del Francois *Surplus*, id est, *additamentum*, & signifie en le ley un addition plus que besoigne, que aucun foirs est le cause que un briefe abatef. mes en pleader mults foirs est absolument voyd, & le residue del plea estoyera bon.

Surrejoinder.

Surrejoinder est un respons al rejoinder del defendant, ou un second enforcement del declaration le plaintife.

Surrender.

Surrender (*sursu redditio*) est le consent dun particular tenant, que cestuy en le reversion ou le remainder, viendra

Suffragan.

Suffragan is a word used in the Statute of 26. H. 8. c. 14. and it signifies a titular Bishop appointed to helpe and assist the Bishop of the Diocese in his spiritual function. And he is called *Suffraganeus* in Latine, because that by his suffrage ecclesiastical causes are to be adjudged.

Sur cui in vita.

Sur cui in vita is a writ that lyes for the heire of an inheritrix, whose husband aliened the inheritance of his wife, and the wife died before she recovered it in a *Cui in vita*: see for this Fitz. N.B. 194. C.

Surplusage.

Surplusage comes of the french *Surplus*, that is, an overplus, and signifies in the law an addition of more then needs, which sometimes is the cause that a writ shall abate, but in pleading many times it is absolutely voyd, and the residue of the plea shall stand good.

Surrejoinder.

Surrejoinder is an answer to the defendants rejoinder, or a second enforcing of the plaintiffs declaration.

Surrender.

Surrender is the consent of a particular tenant, that he in the reversion or the remainder shall presently have the possession

tion, & this is either a surrender in deed by an actual yielding up of the estate, or in law by the taking of a new lease, or such other act. See of this Perkins chap. 9.

Swainmote.

Swainmote, or **Swannimote**, is a Court held thrice in a yeare within a Forrest, by the Statute of Charta de foresta. c. 8, for all the freeholders of the forest, for so the Etymology of the word shewes: for More in the Romance speech signifies a Court, & Swain in the Saxon tongue is a charterer, or a freeholder, so that **Swainmote** is the Court of the freeholder. See of this in Manwoods Forrest lawes, chap. 23. fol. 217. &c. at large.

T.

Fee Taile.

To hold in the Taile, is where a man holdeth certaine lands or tenements to him and to his heires of his body begotten.

And note well, that if the land be given to a man & to his heires males, and he hath issue male, he hath fee simple, and that was adjudged in the Parliament of our Lord and King. But where lands be given to a man and to his heires males of his body begotten, then he hath fee taile, and the issue female

maintenant al possession; & ceo est ou un surrender en fait p un actual redoner d'estate, ou en ley per acceptance dun novel les, ou tiel autre act. Veies de ceo Perkins cap. 9.

Swainmote.

Swainmote, ou **Swannimote**, est u court tenuis trois foies en un an deins un forest, p le Statute de Charta de foresta, ca. 8. pur tous les franktenants del forest, car issint le Etymology del parol monstre: car More en le langage Normanois signifie un court, & Swain en l'Saxon langage est un charterer ou franktenant, issint q **Swainmote** est le Court des franktenants. Veies de ceo en Manwoods For. leyces, cap. 23. f. 217. &c. alarge.

T.

Fee Taile.

Tenir en le Taile, est lou home tient certaine terres ou tenements a luy & a ses heires de son corps engendres.

Et nota bien, que si le terre soit done a un home & a ses heires males, & il ad issue male, il ad fee simple, & ceo fuit adjudge en le Parliament nostre Seignior le Roy. Mes lou terres ou tenemens sont dones a un hoe & a ses heires males de son corps engendres, il ad fee taile, & le issue female ne

serra

The Exposition of

*Serra my inherite, ut patet An-
no 14. E. 3. en un Assise 18.
E. 3. 45.*

*See taile est lou terre est do-
ne a un home & a ses heyres
de son corps engendres, & il
est dit Tenant en le taile ge-
nerall.*

*Mes si terre soit done al ba-
ron & feme, & al heyres de
leur deux corps engendres, ore
le baron & la feme sont te-
nants en le taile especial.
Et si un de eux dey, cesty
que survive est tenant en le
taile apres possibilitee de issue
extinct, & si il face waste, il ne
serra impeach de cel waste :
*vide Littlet.**

*Mes si le Roy done terres a
un home & a ses heires males,
& la donee dev sans issue male
donques le cosin collaterall
del donee ne inheritera, mes
le Roy reentra, & insint suit
adjudge en Leschequer cham-
ber 18. H. 8. en un information
fait vers le heyre de Sir T. Lo-
vel Chivaler.*

Taile apres possibilitee.

TENIR en le Taile apres
possibilitee d'issue extinct,
est lou terre est done a un hoe
& sa feme, & a les heires de
leur deux corps engendres, &
l'un de eux survive l'autre sans
issue entre eux issuant, il tien-
dra sa terre a terme de sa vie
demefne, come tenant en le
Taile apres possibilitee de issue
extinct. Et non obstant que
il fait waste, il ne sera jam-
mes impeache de cel waste. Et

shall not be inheritable, as it
appeareth in the 14. yeare of E.
3. in Assise 18. E. 3. 45.

*See taile is where land is gi-
ven to a man and his heires of
his body begotten, and he is
called Tenant in the Taile ge-
nerall.*

*But if lands be given to the
husband and the wife, and the
heires of their two bodies be-
gotten, then the husband & the
wife be tenants in the taile e-
speciall. And if one of them dye,
he that surviveth is tenant in
taile after possibilitee of issue ex-
tinct, and if he make waste, he
shall not be impeached for that
waste : *see Littl.**

*But if the King give land to a
man & to his heires males, & the
donor dyeth without issue male,
then the cosin collaterall of the
donee shall not inherit, but the
King shall reenter, & so it was
adjudged in the Exchequer
chamber. 18. H. 8. in an Infor-
mation made against the heires of
Sir T. Lovel knight.*

Taile after possibility.

TO hold in the Taile after
possibilitee of issue extinct, is
where land is given to a man
and to his wife, & to the heires
of their two bodies engendred,
and one of them surviveth the
other without issue betwene
them begotten, he shall hold the
land for terme of his owne life,
as tenant in the taile after pos-
sibilitee of issue extinct : and not-
withstanding that he do waste,
he shall never be impeacht of
that

that Waste. And note that if he alien, he in the reversion shall not have a writ of Entry in consimili casu, but he may enter, and his entry is lawful, per R. Thorpe chiefe Just. 18. E. 3. 96. & 4. E. 3. 25.

Tales.

TALES is a supply of men impanelled upon a Jury of Enquest, and not appearing, or at their appearance challenged for the Plaintiff or Defendant as not indifferent, and in this case the Judge upon petition grants a supply to be made by the Sheriffe, of some men there present, equal in reputation to those that were impanelled: & hereupon the very act of supplying is called a Tales de circumstantibus: this supply may be of one or more, and of as many as shall either make default, or else be challenged by each party, Stam. Plac. Cor. l. 2. c. 1. Now note he that hath had one Tales either upon default or challenge, though he may have another, yet he may not have the latter to contain so many as the former, for the first Tales ought to be under the number of the principall panel, except in a cause of Appeal, & so every Tales lesse then other, untill the number be made up of men present in Court, & such as are without exception to the party or parties. See Stam. in the place before, where you may find some exceptions to this general rule: See Brook. fol. 105.

nota, que si il assign, celui ou le reversion ne vera briefe d'entre in consimili casu, mes il poit enter, & son entre est congeable, per R. Thorpe chiefe Justice. 18. E. 3. 96. & 4. E. 3. 25.

Tales.

TALES est un supply d'hommes impanelle sur un Jury ou Enquest, & nient apparaunt, ou a four apparance challenge par le Plaignif ou Defendant come nient indifferente, & en cest cas le Judge sur petition granta un supply de stre fait p le Viscont, de ascuns homes la present, egal en reputation ore ceux que fueront impanel: Et sur ce la verie act de suppliaunt est appelle Tales de circumstantibus: cest supply poit estre de un ou plus, & de cy plusors come ou feront default, ou seront challenge per ascun partie, Stam. pl. cor. lib. 3. cap. 9. Vneore cestuy que avoit ad un tales, ou sur default ou challenge, coment que il poit aver un autre, uncore il ne poit aver le darren de container cy plusors come le prin, car le prin Tales doit estre desoubz le nombre del principal panel, sinon en un cause de Appeal, & issint chescun tales meines que autre, lessque le number soit repleit de homes present en court, & tiels que sont sans exception al partie ou parties. Veies Stam. en le lieu devant, ou vous pois trovera ascus exceptions al cest general rule: veies

The Exposition of

Veies Brook. fo. 105. & Co. lib. 10. fo. 99. Bewfages case.

Talwood.

Talwood est un terme use en lestatutes 34. & 35. H. 8. cap. 3. & 7. E. 6. cap. 7. & 43. Eliz. ca. 14. & signifie tiel bois que est coupe en brieve billets, par le fizer des queux ceux statutes fueront ordeines.

Taxe & Tallage.

Taxe et Tallage sont payements, come dismes, quinzismes, subsidies, ou tiels semblables grant al Roy per Parliament.

Les tenaunts en ancien demesne sont quites & ceux taxes & tallages graunts per Parliament, sinon que le Roy taxe ancien demesne, come il poit qu'aunt a luy pleist pur grand cause. *Veies Ancient demesne.*

Tenure in capite.

Tenure in capite est lou ascú tient del Roy, come de son person estcant Roy, & de son Corone, come dun Seigniorie per luy mesme en grosse, & en chiefe, de luis tous autres Seignories. Et nemy lou ils tient de luy come de ascun manour, honour, ou castle, sinon certaine ancient honours, ut patet in Scaecario.

Terme dans.

Tener a terme dans, nest forsque chattel en effect, car nul action est maintenable envers termor qnt a reeoverer

and Coke li. 10. fol. 99. Bewfages case.

Talwood.

Talwood is a terme used in the statutes of 34. & 35. H. 8. cap. 3. & 7. E. 6. cap. 7. & 43. Eliz. cap. 14. & it signifies such wood as is cut into thort billets, for the using wherof those Statutes were made.

Taxe and Tallage.

Taxe and Tallage are payments, as tenths, fifteenes, subsidies, or such like granted to the King by Parliament.

The tenant in ancient Demesne are quitte of these taxes & tallages granted by Parliament, except that the King doe taxe ancient demesne, as he may when he thinkes good for some great cause. *See Ancient dem.*

Tenure in capite.

Tenure in capite is where any hold of the King as of his person being King, and of his Crowne, as of a Lordship by it selfe in grosse, and in chiefe above all other Lordships. And not where they hold of him as of any Minour, honour, or Castle, except certaine ancient honours, which appeare in the Exchequer.

Terme dans.

To hold for terme of yeares is not but chattell in effect, for no action is maintenable against the termour for the recovering

hering of the freehold, for no freehold is in him. I lease for terme of yeares is a chattell real, & all goods, which are remeable, are chattels personals.

Testament.

Testament is thus defined in *Master Plowdens Commentaries*: A Testament is a witness of the munde, and is compound of these two words Testatio and mentis, which signifyeth truth it is, that a Testament is witness of the mind, but that it is a compound word, *Aulus Gellius* in his 6. book, cap. 12. doth deny the same to an excellent Lawyer, one *Servius Sulpitius*, & saith, that it is a simple word, as are these, *Calcamentum*, *Paludamentum*, *Paviamentum*, and divers such like. And much lesse is *Agreementum*, a compound word of *Agregatio* & *mentium*, as is said before in the title of Agreement, for there is no such Latine word, simple or compound: but it may neverthelesse serve well for a law Latine word.

And therfore thus it may better be defined. A Testament is the true declaration of our last will, of that wee would to be done after our death, &c.

And of Testaments there be two sorts, namely, a Testament in writing, and a Testament in words, which is called a Nuncupative Testament.

The first is alwayes in writing, as is said.

The other is, when a man

le franktenezat, car nul franktenement est a luy. Lease a terme dans est chartel real, & tous biens moveables sont chattels personnels.

Testament.

Testament est ainsi défini, ou expound en *Monfieur Plowdens Commentaries*: Testamentum est testatio mentis, & est compound de ceux deux parols, Testatio & mentis, que ainsi signifie: veray il est, que un Testamēt est testatio mentis, mes que il est un compounde parol, *Aulus Gellius* en son 6. liver, cap. 12. denie ceo a un excellent Lawyer, un *Servius Sulpitius*, & dit, que il est un simple parol, come font ceux, *Calcamentum*, *Paludamentum*, *Paviamentum*, & divers tiels semblables. Et mult meins est *Agreementum*, un compound parol de *Agregatio* & *mentium*, come est dit ē le title de *Agreement*, car il ny ad nul tiel Latine parol simple ou cōpound: mes il poit nient obst. serve bien p un ley Latine pol.

Et pur ceo il poit ainsi este melior define. Testamentum est ultimæ voluntatis iusta sententia, eo quod quis post mortem suam fieri vult, &c.

Et de Testaments il y ad deux sorts, s. un Testament en escript, & un Testament per parol, que est appelle un Nuncupative Testament.

Le prim est tous foits en escript, come est dit.

Le auter est quant un home esteant

The Exposition of

estant malade, & par paver
que mort, ou fault de memo-
rie, ou de parler, voyt venir cy
sodeinement ou hastivement
sur luy, que il sera prevent, si
il demurt le scribe de son
Testament, request les vicines
ou amys de porter tesmoigne
de son darreigie volunt, &
donques declare ses present-
ment par parol devant eux, q
apres son decease est provee
per tesmoignes, & mis en script
par le Ordinary, & donques il
est en cy bone force come si
ceo ad al prin en le vie del te-
stat este mis en escript. Si non
que il soit par terres nient de-
visable per custome.

Thamus.

Thamus est un parol que as-
cun foies imply a un Noble
home, ascun foies un frank-
home, un Magistrate, un Offi-
cer ou Minister, *Lambert verbo*
Thamus. Monsieur *Skene* dit,
que est un nomme de dignite,
& appertestre equal ove le
seiz de un Count. Et *Thamus*
fuit un Franke-tenant tien-
drount ses terres del Roy, &
un home prise ove le sanz ac-
cuse de larcenie, nul bone tes-
moigne estant port vers luy,
devoit purger luy mesme p le
serement de 27. homes, ou de 3.
Thanes. *Thanagiu Regis* implya
un certain pt des teris le Roy,
ou propertie d q le rule & go-
vernment appartient a luy, q
pur ceo est appel *Thamus* car
Demania Regis, & *Thanagia*,
significant li & mesme l' chose.

being sicke, and for feare lest
death, or want of memorie, or
of speech, should come so sudden-
ly & hastily upon him, that he
should be prevented if he sayed
the writing of his Testament,
dresteth his neighbours and
friends to beare witnesse of his
last will & then declareth the
same presently by wordes before
them, which after his decease is
proved by witnesses, and put in
writing by the Ordinary, and
then standeth in as good force
as if it had at the first in the
life of the Testator bene put
in writing: It is be not for
lawes not devisable by Cu-
stome.

Thamus.

Thamus is a word which some-
times signifieth a Noble
man, sometimes a Freeman, a
Magistrate, an Officer or Mi-
nister, *Lambert* in the word *Tha-
nus*, *Master Skene* saith, that it
is a name of dignity, & appea-
reth to be equal with the sonne
of an Earle. And *Thamus* was
a freholder holding his lands
of the King: and a man taken
with the maner accused, no
sufficient proof being brought a-
gainst him, must purge him selfe
by the oath of 27. men, or of 3. Th.
The kings thanage signifieth a
certain part of the kings lands,
or property, whereof the rule &
government appertaineth unto
him, who therefore is called *Tha-
nus*, for the kings demaine &
the kings *Thanage* signifieth
one and the same thing.

Them.

Them.

Them, that is, that you shall have all the generations of your Willaimes, with their suites and catell, where so ever they shall be found in England, except that if any bondman shall remaine quite one year and a day in any privileged Towne, so that hee shall be received into their communitie, or guild, as one of them, by that meanes hee is delivered from villenage.

Theftbote.

Theftbote is when a man taketh any goods of a theefe to favour and maintaine him: And not when a man taketh his owne goods that were stolen from him, &c.

The punishment in ancient time of Theftbote, was of life and member. But now at this day Mr. Stamford saith, it is punished by ransom and by imprisonment. But inquire further, for I think it be felony.

Title.

Title is where a lawfull cause is come upon a man to have a thing which another hath, and he hath no action for the same, as Title of Mortmaine, or to enter for breach of condition.

Title de Entre.

Title de Entre is when one seised of land in fee maketh a feoffment thereof upon condition, and the condition is

Them.

Them, hoc est, quod habebis totam generationem Villanorum vestrorum cum eorum sectis & catallis ubicunque in Anglia fuerint inventa, excepto quod si aliquis natus quierus per annum & diem in aliqua villa privilegiata manserit, ita quod in eorum communiam vel gildam, tanquam unus illorum repertus fuerit, eo ipso a villenagio liberatus est.

Theftbote.

Theftbote est quantum homo prist alium biens dum latron de luy favoriser & maintenir: Et nemy quant homme prist les biens demesne, que fueront emblees de luy, &c.

Le punishment en ancienne temps de Theftbote, fut de vie & de member: Mes a ore Master Stamford dit, que il est puni per ransom & emprisonnement. Sed quere, car ico pense ceo este felony.

Title.

Title est lou loyal cause est veigne a un homme de aver chose que auter ad, & il n'ad aucun action pur ceo, come title de Mortmain, ou de enter per condition enfreint.

Title de Entre.

Title de Entre est quantum un seigneur de terre en fee fait feoffment de ceo sur condition, & le condition est enfreint:

The Exposition of

freint : Ore apres le condition issint enfreint, seoffor ad title de entro le terre, & issint poit quaut a luy pleist, & per son entrie le frankement serra dit en luy main-tenant.

Et est appel Title de Entre, pur ceo que il ne poit aver brieve de droit envers son seoffor sur condition, car son droit fuit hors de luy per le seoffement, le quel ne poit estre reduce sans enter, & le enter doit estre p le entreinder de le condition.

Tol ou Tolne.

Tol ou Tolne est pluis properment un payment use en Cities, villes, Markets, & Faires, pur biens & chattels port la destre achate ou vende. Et est tous dits destre pay per le achateur, & niemy per le vendor, suon que soit aucun custome al contrarie.

Il y ad divers auters Tols, come Turne Tol, & ceo est lou Tol est pay pur avers qux sont drivers destre vendus, com q ils ne sont vendus.

Item Tol travers, ceo est lou un clame daver un ob. ou riel semble Tol de chescun beast que est drive sur son terre.

Through Tol, est lou un ville prescribe de aver Tol p chescun beast que ale through lour ville, un certaine : ou per chescun vint ou cent, un certaine : que ne appiert destre cy unreasonable prescription ou

broken : Now after the condition thus broken, the seoffor hath title to enter into the land and may so doe at his pleasure, and by his entrie the feehold shall be said to be in him presently.

And it is called Title of Entre, because that he cannot have a writ of Right against his seoffor upon condition, for his right was out of him by the seoffment whitch cannot be reduced without entrie, and the entrie must be for the breach of the condition.

Tol or Tolne.

Tol or Tolne is most properly a payment used in Cities, Townes, Markets, & Faires, for goods and cattells brought thither to be bought and sold : And is alwayes to be paid by the buyer, and not by the seller, except there be some custome otherwise.

There are divers other Tols, as Turn Toll, & that is where Toll is payd for beasts that are driven to be sold, although that they be not sold indeed.

Also Toll travers, that is where one claimeth to have a halfe peny, or such like Toll of every beast that is driven over his ground.

Through Toll, is where a Towne prescribes to have Toll for every beast that goeth through their Towne, a certaine : or for every score or hundred, a certain : which sameth not to be so unreasonable a prescription or custome

custome, as some have thought, although it be through the kings high way (as they call it) where every man may lawfully goe, if that there be one thing for another: As if there be a bridge, or such like commodity, provided at the costs and charges of the Towne, for the ease of Travellers that drive that way, where by their journey is either shortened or bettered, why then may not Toll be lawfully and with good reason demanded of them, &c.

But divers Citizens and Townsmen are free from paying Toll, by grant of the King or his ancestors, or do claime the same by prescription or custome. So also spiritual persons and religious men (as they call them) were quit of paying Toll for their goods and merchandises bought and sold, &c. But now the statute of King H. 8. Anno 21. c. 13. will that they shall not merchandize.

Also if tenaunt in ancient demesne ought to be quit through out the whole Realme of paying Toll, as appeareth before in the title Sokemans. And in all these cases where Toll is demanded where it ought not to be payd of them that should go buy & sell toll-free, there the party or parties grieved may have a writ *De cessando quietum de relonio*, directed to him or them that so demanded Toll contrary to the King or his progenitors grant, or contrary to Custome or prescription.

custome, come ascuns ont suppose, nient obstant il soit per le hault chemin del Roy (si come ils ceo appel) lou chescun poit loyablement passe, si y ad quid pro quo: Come si la soit un pont, ou tiel semblable commodity, purvey al costs & charges del Ville, pur le ease de travailleurs q chascun mesme voy, per que lour journey est ou a bridge ou fait le meliour, pur que donques ne poit Tol este demaund loyablement & oyé bone reason de eux, &c.

Mes divers Citizens & Burgesies sont quit de payer Tol, per le graunt del Roy, ou ses auncestors, ou claime ceo per prescription ou custome. Issint auxy espirtual persons & religious homes (come ils fueront appellees) fueront quite de Tol pur lour biens & merchandizes achate & vendus, &c. Mes a ore le statute del Roy H. 8. anno 21. cap. 13. voit que ils ne merchandisera.

Item tenaunts en ancient demesne doivent este quite per tout le Realme de payer tol, come appiert devant en le title *Sokemans*. Et en tous ceux cases ou Tolle est demaunde ou il ne doit este pay de eux que doient aler achate & vende quite de tol, la le party ou parties greeve poyent aver u brief *De cessando quietum de relonio*, direct a luy ou ceux que issint demand Tolle contra al grant le roy ou ses progenitors, ou contra al Custome ou prescription.

The Exposition of

Toft.

Toft est un lieu en que un meale fuit un foits esteant mes ē ore tout elchue ou cracc.

Tolt.

Tolt (*Tolta*) venust del Latine *Tollo*, & est un briese per q̄ un cause dependant ē un court baron poit estre illonques remove en le County court devant le Viscount: veies de ceo *Fitz. N.B. fol. 3. F. & vicine N.B. fol. 2. a.*

Tonnage.

Tonnage est un custome ou impost payal Roy pur merchandize import ou export en Tunnes, ou ascun tiels vessels, solonque un certaine rare en chescun Tunne. Et d̄ ceo poies lier en le statutes de 12. E. 4. ca. 3. 6. H. 8. cap. 14. 1. E. 6. cap. 13. & 1. Jac. cap. 33.

Totted.

Totted est un terme use ē le statute de 42. E. 3. cap. 9. & signifie un note destre fait en le rolle des estreates que issint hors del Elchequer al viscount, des tous tiels debts come sont payes al viscount, issint que ne poyent estre auterfoits demandē del parry, ne le Roy deceive. Veies le statute.

Transgressio.

Transgressio est un briese ou action de trespas, de queux la sont deux sorts, lan vicountiel, issint appel pur ceo que

Toft.

Toft is a place wherein a house once stood, but it is now all fallen, or pild downe.

Tolt.

Tolt comes from the Latine *tollo*, & is a writ by which a cause depending in a Court baron may be from thence removed into the County Court before the Sheriffe: see of this *Fitz. N. B. fol. 3. F. & Old N. B. fol. 2. a.*

Tonnage.

Tonnage is a custome or impost payd unto the King for merchandize carried out or brought in in Tunnes, or such like vessels, according to a certaine rate in every Tunne. And of this you may read in the statutes of 12. E. 4. c. 3. 6. H. 8. c. 14. 1. E. 6. c. 13. & 1. Jac. c. 33.

Totted.

Totted is a terme used in the statute of 42. E. 3. c. 9. & signifies a note to be made in the Estreat rolle that goes out of the Elchequer to the Sheriffe, of all such debts as are payd unto the Sheriffe, so that they be not againe demanded of the parry, nor the King deceived: See the statute.

Trespasse.

Trespasse is a writ or action of trespasse, whereof there are two sorts, the one vicountiel, so called because it is directed

sted to the Sheriffe, and is not returnable, but to be determined in the County: The forme whereof differs from the other, because that it hath not the words, *Quare vi & armis*, &c. F. N. B. fol. 85. g. The other is directed to the Sheriffe also, but it is returnable in the Kings Bench, or Common Pleas, & it hath alwaies in it these words *Quare vi & armis*, or else it shall abate, as it appeares in Fitz. N. B. f. 86. H. If not that it bee a trespassse upon the case, and then the words *Vi & armis* are left out, and in lieu thereof the writt shal say in the end thereof, *Contra pacem*, &c. as appeares in Fitz. N. B. fol. 92. E. And yet in some cases *Trespasse* upon the case shall bee *Vi & armis* also, though not in the point of the action, or the *causa causata*, yet in the conueyance to the action, or the *causa causante*, as it is well distinguisht in the Count de Salops case, in Coke lib. 9. fol. 50. b.

Travers.

TRavers sometimes signifieth to deny, so sometimes to overthrow or undoe a thing done: for the first W. p. 2. S. 54. speaking of an answer to a Bill in the Chancery, saith, That it is that which the defendante pleadeth or saith in barre to avoid the Plaintifes Bill or action, either by confession and avoyding, or by denying and travailing of the materiall points thereof: and again Sect. 56. a replication is the Plaintifes speech or

il est direct al viscount, & nest returnable, mes desire determine en le Countie: Le forme de que differt del autre pur ceo que nad ceux parolx, *Quare vi & armis*, &c. F. N. B. fol. 85. g. L'autre est direct al viscount auxy, mes est retournable en Banke le Roy, ou le confection Banke, & avoit tous foits en ceo ceux parolx, *Quare vi et armis*, ou autrement il abatera, come appiert en Fitz. N. B. fo. 86. H. Sinon que soit un trespassse sur le case, & adonques les parolx *vi et armis* son wave hors, & en lieu d'eux le brieve dirra en le fine de ceo, *Contra pacem*, &c. come appiert en F. N. B. fo. 92. E. Et uncore en aucuns cases *Trespas* sur le case ferra *vi et armis* auxy, esment que nemy en le point del action, ou le *causa causata*, uncore en le conueyance al action, & le *causa causante*, come est bien distinguish en le Count de Salops case, in Coke li. 9. fol. 50. b.

Travers.

TRavers ascun foits implya a denier, ascun foits a subvertir ou defaire un chose fait pur le primer West. p. 2. sect. 54. parlante d'un respons a un bil en le Chancery, dit, Que il est ceo que le Defendante pleade ou dit en barre de avoyder le Bil de Plaintife ou action, ou per confession & avoidance, ou per deniant & traversant des material points du y cel: Et arere sect. 55. un replication est le parlance del plaintife ou

The Exposition of

responsal respons del Defend-
dant, que doit de affirmer &
pursuer son Bil, & conuistre, &
avoyder, denyer, ou traverser
le respons del defendaut, &
les formal pols de cest travers
sont, Sans ceo, ou en Latine,
Absque hoc: veies Kitch. f. 227.

En l'auter signification il
est trove *Stamford prerog. ca-
pit. 20.* per tout le chapitre, que
parlant del traversing d'un of-
fice, dit, Que ceo est riens au-
ter, forsque approuver que un
Inquisition fait de biens ou
terres per le Eschetour est de-
fective, & fauxment fait. Issint
traversing d'un indictment est
a prender issue sur le primer
matter du ycel, que est riens
auter adire q a faire contradi-
ction, ou a denyer le point del
endictment: Come en present-
ment vers A. pur un hault chi-
min surround ove ewe pur de-
fault de escourance d'un fosse
que il & ceux que estate il ad
en certaine terres la, ont use
discowrer & clenfer, A. poit
traverser ou le matter, cest a-
dire, Que la nest ascun hault
chimin la, ou que le fosse est
sufficient escowre, ou auter-
ment il poit traverser le cause,
Que il nad le Terre, &c. ou
que il & ceux que estate, &c.
ont use ce escowrer le fosse,
*Lambert Eirenarchia lib. 4. pag.
521. de Travers, veies tout le
Chapter en Kitch. fol. 240.
Veies auxy le veiel Liver de
Entries, verbo Travers.*

answer to the Defendants an-
swer, which must affirme and
pursue his Bill, & confesse and
aboid, deny, or traverse the de-
fendants answer, and the for-
mall words of this Travers
are, without that, or in Latine
Absque hoc: see Kitch. fol. 227.

In the other signification it
is found *Stamford prerog. c.
20.* the whole chapter, who spea-
king of the traversing of an Of-
fice, saith, That it is nothing
else, but to prove that an In-
quisition taken of goods or lands
by the Escheatour is defective,
and untruly made. So traver-
sing of an Indictment is to take
issue upon the chiefe matter
thereof, which is nothing else
to say, then to make contradi-
ction, or to deny the point of the
indictment: As in a present-
ment against A. for a high way
overflowne with water for de-
fault of scowring of a ditch
which he and they whose estate
he hath in certaine land there,
have used to scowre and clense,
A. may traverse either the mat-
ter, that is to say, That there is
not any high way there, or that
the ditch is sufficiently scoured:
or otherwise he may traverse the
cause, That he hath not the
land, &c. or that he and those
whose estate, &c. have used to
scowre the ditch, *Lambert Eire-
narchia lib. 4. pag. 521: of Tra-
verse, see the whole Chapter
Kitch. fol. 240. See also the old
Booke of Entries, the word
Travers.*

Treason.

Treason.

TReason is in two manners, that is to say, grand Treason, and petit Treason, as it is ordained by the Statutes. And therefore looke the Statutes, and Stamf. lib. 1. cap. 2.

Treasure trove.

Treasure trove is when any money, gold, silver, plate or bullion is found in any place, and no man knoweth to whom the property is, then the property therof belongeth to the king, & that is called Treasure trove, that is to say, Treasure found. But if any Mine of Mettal be found in any ground, that alway pertaineth to the Lord of the soile, except it be a Mine of gold or silver, which shall be alway to the king, in whose ground soever they be found.

Triall.

Triall, there are many manners thereof, as of matters in fact, they shall be tryed by the Jurors, of matters in Law, by the Justices, of matters of Record by the Record it selfe: a Lord of Parliament upon an indictment of Treason or Felony, shall be tryed by his Peers without any oath, but upon their honours and allegiance, but in appeale at the suit of any subject they shall be tryed per probos & legales homines. If ancient demesne be pleaded of a Manour, and denied, this shall be tryed by the Record of the

Treason.

TReason est en deux man-
ners, cestascavoir, hault
Treason, & petit Treason,
come est ordene per les sta-
tures. Et ideo vide statuta, &
Stamf. lib. 1. cap. 2.

Treasure trove.

Treasure trove est quant ascü
money, ore, argent, plate,
ou bullion est trove en ascun
lieu, & nul conust a que le pro-
perty est, donques le property
de ceo appertient al Roy, &
ceo est dit *Treasure trove*, cest
adire, Treasure trove. Mes si
ascun Mineral de mettal soit
trove en ascun terre, ceo tous
soits pertient al Seignieur del
soile, forsque que il soit Mi-
neral de ore ou argent, queux
serront tous soits al Roy, en
q̄cunq̄ soile q̄ ils sont troves.

Triall.

Trial, la sont plusors man-
ners de ceo, come des mat-
ters en fact, ils serront trie per
les Jurors, de matters en ley,
per les Justices, de matters de
Record per Record mesme:
un Seignior de Parliament sur
indictment de Treason ou Fe-
lonie, serra trie per ses Peeres
sauns ascun serement, mes sur
leur honours & allegiances,
mes en appeal al suit de ascun
subject ils serra trie per probos
et legales homines. Si ancient d-
mesne soit pleade de un ma-
nour, & denie, ceo serra trie
per le Record del Liure de

The Exposition of

Domesday en Leschequer. Vn Apostata sera certifie per le Abbot ou auter religious Governour a que il doit obedience: general bastardie, excommengement, loyalty de matrimonie, profession, & divers auters matters Ecclesiastical, serrount tries per le certificate del Evesques: Et un graund number des auters trials la sont, de queux veies *Coke lib. 9.* Le case le Abbot del *Strata Mercella*, fol. 23.

Trover.

T*Rover* est un action que home ad vers un auter que ayant trove ascun de ses biens refusa a deliver eux sur demaunde. Veies le veiel liver de Entries, parol Trover.

Tumbrel.

T*Vmbrel*: veies deceo en le title d*Cuckingshoole*, & veies le statute de 51. H. 3. stat. 6. pur le use de ceo.

Turbary.

T*urbary* (*Turbaria*) venuist d*l* vieux Latine parol *Turba*, q*l* fuit use per un turse, & *turbary* est un interest de foder turfes sur un common. Et trovers un assise part dun tiel common de *turbary* en 5. *Ass. pl. 9.* & 7. *E. 3. fo. 4. b.*

Turne del Viscont.

T*urne del Viscont* est u court de Record en tous choses que pertaine al Turne. Et est le Terre le Roy per tout le

Book of Domesday in the *Exchequer*. An *Apostata* shall be certified by the *Abbot* or other religious governour to whom he owed obedience: general bastardy, excommengement, lawfulness of marriage, profession, and divers other matters Ecclesiasticall shall be tryed by the *Bishops* certificate: and a great number of other tryals there are, whereof see *Coke lib. 9.* the case of the *Abbot of Strata Mercella*, fol. 23.

Trover.

T*Rover* is an action which a man hath against another that having found any of his goods refuseth to deliver them upon demand. See the old book of Entries, word, Trover.

Tumbrel.

T*Vmbrel*: see of that in the title of *Cuckingshoole*, and see the statute of 51. H. 3. stat. 6. for the use of it.

Turbary.

T*urbary* comes from the old Latine word *Turba*, which was used for a turf, & *Turbary* is an interest of digging turfs upon a common. And you shall finde an Assise brought of such a common of *turbary* in 5. *Ass. pl. 9.* & 7. *E. 3.* fol. 43. b.

Sheriffes Turne.

Sheriffes Turne is a Court of Record in all things that pertaine to the Turne: & it is the Kings Leete through all the County,

County, and the Sheriffe is Judge. And whosoever hath a Letre, hath the same authority within the precinct, as the Sheriffe hath within the Turne.

And this Court is to be kept twice in every yeare, once after Easter, and againe after Michaelmas, and that within one moneth after each feast, Anno 31. Edw. 3. cap. 15. From this Court are exempted only Archbishops, Bishops, Abbots, Priours, Carles, Barons, all religious men and women, and all such as have hundreds of their owne to be kept. This Court is appertaining and incident to the office of the Sheriffe, and ought not to be severed therefrom, and the Sheriffe is to appoint Clerkes under him in this Court, such as he will at his perill answer for; But he cannot prescribe to take any thing for the keeping of his Turne, because that he is an Officer: & moveable. See Coke lib. 4. 33. & lib. 6. 12. and Master Daltons booke of Sheriffes, tit. Sheriffes Turne.

countie, & le viscount est Judge. Et quecunque ad un Lectre, ad mesme le authority deins le precinct, sicome le viscount ad deins le Turne.

Et cest court est destre tenuz deux foiz chescun an, un foiz apres Pasche, & arere puis Michaelm, & ceo deins un mois apres chescun feast, anno 31. E. 3. cap. 15. De cest Court sont exempt solement Archievesques, Evesques, Abbots, Priours, Countes, Barons, religious homes, & femes, & tous ceux queux ont Hundreds de leur demesne destre tenus. Cest Court est appertenant & incident al office del viscount, & ne doit estre sever de ceo, & le viscount est de constituer clerks south luy en cest Court, tiels pur que il voile a son peril responder: Mes il ne poit prescriber de preander ascun chose pur le tener de son turne pur ceo que il est un Officer removeable. Veies Coke lib. 4. 33. et lib. 6. 12. & Monsieur Daltons livr de viscounts, tit. Sherifes Turne.

V.

Value of marriage.

VAlore maritagii is a writ that lyes for the Lord against his wif, to recover against him the value of his marriage at his full age, for that he was not married by his lord within age. And this writ lyes

V.

Valore maritagii.

VAlore maritagii est un brief que gist pur le Sñr vers son gard pur recouvrer vers luy le value d son mariage a son plein age. pur ceo que ne fuit marry per son seignior deins age. Et ceo gist

The Exposition of

gift coment que le Seignior ne unques tender al gard afeü convenable mariage. *V. Palmers case. Coke l. 5. fo. 126. b.*

Venew.

Venew (*Vicmetum*) est un terme use en lestatute de 35. H. 8. cap. 6. & frequentment en nostre livers & signifie un lieu prochein a ceo lou ascun chose que venust destre trye est suppose destre fait. Et pur ceo pur le melior discovery del verity del matter en fait sur chescun trial, ascun des Jurors serront del m le Hundred, ou ascun foits de m le parish & que le chose est suppose destre fait, qux p intendment poient aver le melieux conusans del chose. Veies *Arundels case, Coke lib. 6. cap. 14. a.*

Verge.

Verge est le compasse environ le court le Roy que limit le jurisdiction del Seignior Seneschal del hostel le Roy, & del Coroner del hostel le Roy, issint que il ne poientermeddle deins l' county hors del Verge, pur ceo que son office ne extende a ceo come le Coroner del County, ne entermeddler deins le verge, car ceo suit exempt hors de s^o office per le common Ley, & semble encounter reason que lour Offices & Jurisdictions esteant severall, que lun entermedlera deins le Jurisdiction del autre; Et cel verge semble destre douze milliares. Veies

although the lord never tendered unto the ward any convenient marriage. See *Palmers case, Coke l. 5. f. 126. b.*

Venew or Visne.

Venew or Visne is a terme used in the Statute of 35. H. 8. chap. 6. and often in our bookes, and signifies a place next to that where any thing that comes to be tryed is supposed to be done. And therefore for the better discovery of the truth of the matter in fact upon every tryall, some of the Jury must be of the same hundred, or sometimes of the same parish in which the thing is supposed to be done, who by intendment may have the best knowledge of the matter. See *Coke 6. book fol. 14. a. Arundels case.*

Verge.

Verge is the compasse about the Kings court that boundeth the Jurisdiction of the Lord Steward of the Kings household, & of the Coroner of the Kings house, so that hee cannot intermeddle within the County forth of the Verge, because that his office extendeth not thereunto, as the Coroner of the County cannot intermeddle within the Verge, for it is exempted forth of his office by the common law, & it seemeth against reason that their offices and jurisdictions being severall, that the one should intermeddle within the jurisdiction of the other; And this Verge seemeth to

be twelve miles. See 13. R. 2. Statut. 1. cap. 3. Fitz. N. B. fol. 241. Britton fol. 68. Fleta lib. 2. cap. 2. Coke lib. 4. fol. 46. 33. H. 8. c. 12.

Verge hath also another signification, and is used for a stick or rod by which one is admitted tenant, and holding it in his hand taketh the oath of fealty to the Lord of the Mannor, and for that cause is called tenant by the Verge. See old N. B. fol. 17. & Littl. lib. 1. cap. 10.

Verderor.

Verderor is an officer in the Forrests of the King, chosen by the freeholders of the Countrey where the Forrest is, by a writ of the King, directed to the Sheriffe to do it, as it appeareth by the bookes of the Register, and of the nature of writs, and are called in Latine Viridarii, as it seemeth of the word Viride, which is in English Greene, in French Verd, for a great part of their office is touching the Verd, to wit, the wood and grasse growing in the Forrest, for which see more in the Charter and Lawes of the Forrest.

Verde or Vert.

Vert comes of the French word Verd, and signifies with us in the Forrest lawes every thing that both grow and beares a greene leaf within the Forrest: And it is divided into over Vert & nether Vert: over Vert is the great woods, & nether Vert is the under woods.

13. R. 2. stat. 1. cap. 3. Fitz. N. B. fo. 241. Britton fol. 86. Fleta lib. 2. cap. 2. Coke lib. 4. fol. 46. 33. H. 8. cap. 12.

Verge ad auxy un autre signification, & est use pur un stick ou rod per q un est admit tenant, & tiendront ceo en son maine fait serement de fealty al Seignior del Mannor, & pur ceo est appel tenant per le Verge. Veies veiel N. B. fol. 17. & Littl. lib. 1. cap. 10.

Verderor.

Verderor est un officer en les forests del roy, eslieu per les franktenants del countie lou le Forest est, per brieve del Roy, direct al Viscount de ceo faire, come appiert per les livres del Register, & del nature des briefes, & sont appellees en Latine Viridarii, come semble de le parol Viride, que est en Anglois Greene, en Francois Verd, car un grand part de leur office est touchant le Verd: cest a sçavoir, le bois & herbes cressant en le Forest, pur quel veies pluis en le Charter & Leyes del Forrest.

Vert.

Vert venust de parol francois Verd (Viride) & signifie ovesque nous en les leyes del Forest chescun chose que cresse & port un fucille verde deins le Forest: & est divide en over vert & nether vert: over vert est le hault bois, & nether vert est le south bois.

The Exposition of

La est auxy en Forests un vert appel special vert, & ceo est tous arbres crescants en les demesne bois le Roy deins le Forest, & tous arbres queux crescont en les boies des autres, sils sont tiels arbres queux portent fruiçts pur le foder d's dames, & ceux sont dits special vert, pur ceo q le destroye de tiel vert est plus grandment punyque le destruction d'auter vert est. Veies *Manwoods Forrest Lawes*, chapter 6. fol. 52. a.

View de frank pledge.

View de frank pledge (*Visus franci plegii*) est le poyer de tener un Tourne ou Leet, en queux courts chescū frankhome en auncient temps de veigne lye ove suerties al age de 14. ans pur son fidelite al Roy & ses subjects. Et sur ceo ceux courts fueront appels le view d frankpledge, cest a sçavoir des tiels frankhomes qax deveignont icy pledges ou suerties lun pur l'auter. V. *Daciners*.

View.

View est quante ascun action real est port, & le tenant ne sçavoit bien quel terreil est que le demaundant demaund, donques le tenant priera le view, s. quel il poyt veier le terre que il claima. Mes si le tenant ad ew le view en un brieve, & puis le brieve est abatus per misnomsme de le ville, ou per joyntéure, & puis le demaundant port un tiel brief vers le tenant, donques le re-

There is also in Forests a vert called speciall vert, and that is all trees that grow in the kings owne woods within the forest, & all trees that grow there in other mens woods, if they be such trees as beare fruit to feed the Wives, which are called speciall vert, because the destroying of such vert is more grievously punished then the destruction of other vert is. See *Manwoods Forrest Lawes*, chapter 6. fol. 52. a.

View of frank pledge.

View of frank pledge is the power to hold a Courne or Leet, in which Courts every free man in ancient time became bound with sureties at the age of fourteen yeares for his truth to the King and his subjects. And thereupon those Courts were called the view of the frankpledges, that is to say, of such freemen as were pledges or sureties one for another. See *Daciners*.

View.

View is when an action real is brought, and the tenant knoweth not well what land it is that the demaundant asketh, then the tenant shall pray the view, that is to say, that he may see the land which he claimeth. But if the tenant hath had the view in one writ, and after the writ is abated in misnaming of the Towne, or by joyntenure, & after the demaundant bringeth another writ against the tenant, then

then the tenant shall not have the view in the second writ.

Vi Laica removenda.

Vi Laica removenda is a writ, and it lyeth where debate is betwene two Parsons or provisors for a Church, and one of them entrench into the Church with great power of Lay men, and holdeth the other out with force and armes, then he that is holden out shall have this writ directed to the Sheriffe, that he remove the power which is within the Church, and the Sheriffe shall be commanded, that if he find any men there withstanding, that the Sheriffe shall take with him the power of his County, if need be, & shall arrest the bodies of all them him resisting, and shall put them in prison, so that he have their bodies before the King at a certain day, to answer to the contempt. And this writ is returnable, and it shall not be granted before that the Bishop of the place where such a Church is, hath certified in the Chancery such resisting and force.

Villeinage.

To hold in pure Villeinage, is to do all that that the Lord will him command.

The division of Villeinage, is villeine of blood, and of tenure. And he is a villein of whom the Lord taketh redemption to marrye his daughter, and to make him free, and it is he whom the Lord may put out of his lands

nant, naverá le view en le second briefe.

Vi Laica removenda.

Vi Laica removenda est un briefe, & gist lon debate est perenter deux Parsons ou provisors d'un Eglise, & lun enter en le Eglise ove graund power de lay homes, & tient laus dehors ove force & arms, donques celuy que est tenus dehors avera le dit briefe direct al Viscount, que il remove cest power que est deins L'esglise, & serra command al viscount, que sil trove ascun homes luy resistant, que le viscount prendra ovesque luy la poyer de son County, si besoygne soit, & serra attache per lour corps tous ceux luy resistants, & les mettera en prison, issint que il eyt lour corps devant le Roy a certaine jour, & responder del contempt. Et cest briefe est retournable, & ne serra graunt devaunt que le Evesque del lieu lou tiel Eglise est, eyt certifie en le Chancerie tiel resistance & force.

Villeinage.

Tener en pure Villeinage, est a fait tout ceo que le Sñr luy voit commander.

Le devison de Villeinage, est villeine de sanke, & de tenure. Et il est villein de que son Sñr prent redemption de sa file marier. & soy mesme enfranchise, & le Seignieur puit luy ouste de ses terres ou tenements

The Exposition of

ments a sa volunr, & auxy de
routs ses biens & chateux.

Et nota bien, que Sockman
nest pas pure villeine, ne vil-
leine doit pas garde, mariage,
ne reliefe, ne faire auters ser-
vices reals.

Et nota bien, que tenure en
villeinage ne ferra nul franke
home villeine, sil ne soit con-
tinue ouster le temps de me-
mory, ne villeine terre ne fer-
ra franke home villeine, ne
franke terre ne ferra villeine
franke, sinon que le tenant a-
voir continue frankment ou-
ster le temps de memory.

Mes un villeine ferra frank
terre villeine, per seisin, ou per
claime de son Seignior.

Et nota bien, que si villeine
purchase certaine terre, & prêt
seme & alien, & devy devant
le claime ou seisin de son Sñr,
la feme ferra endowe.

Et nota bien, que en case
que le Seignior port *Præcipe*
quod reddat envers le alienee
son villeine, le quel vouch a
garranter le issne de le villeine
que est villeine al Seignior,
il avera le voucher. Et per
protestation le Seignior poir
(non obstant que il pleade
ove son villeine) save que
son villeine ne ferra my en-
franchise.

Et nota bien, que bastard ne
ferra jammes adjudge villeine,
sinon per consuls en court
de record.

Et nota bien, que si det soit
due per un Seignior a un frank
home, & il face deux homes

or tenements at his will, & also
of all his goods and castell.

And note well, that a Sock-
man is no pure villeine, nor a
villeine oweth not ward, mar-
riage, nor reliefe, nor to do any
other services reals.

And note well, that the te-
nure in Villeinage shall make
no freeman villeine, if it be not
continued ever sth time out of
minde : nor villeine land shall
make no freeman villeine, nor
free land shall make no villeine
free, except that the tenant have
continued free beyond the time
of memory.

But a Villeine shal make free
land villeine, by seisin, or by
claime of the Lord.

And note well, that if a villein
purchase certaine land, & take a
wife & alien, & dyeth before the
claime or seisin of the Lord, the
wife shall be endowed.

And note well, that in case
that the Lord bring a *Præcipe*
quod reddat against the alienee
of his villeine, which voucheth
to warrant the issue of the vil-
leine which is villeine to the
Lord, he shall have the voucher.
And by protestation the Lord
may (notwithstanding that he
plead with his villeins) save that
his villeine shall not be infran-
chised.

And note well, that a bastard
shall never be judged villeine,
but by knowledge in Court of
Record.

And note well, that if debt be
due by a Lord to a freeman, and
he maketh two men his execu-
tors,

toz, the which be villeines to the said Lord, and dyeth, the villeines shall have an action of debt against their Lord. And notwithstanding that he plead with them, and if he make protestation, they shall not be thereby enfranchised, for that they be to recover the debt aforesaid to the use of another person, that is to say, to the use of their testator, and not to their owne use.

And if the tenant in dower have a villeine which purchaseth certaine land in fee, & after the tenant in dower entred, she shall have the land to her and to her heires for evermore. And the same law is of tenant for terme of yeares of a villeine.

And note well, that the Lord may robbe, beat, and chastise his villeins at his will: save onely that he may not maim him, for then he shall have an appeale of maim against him.

And note well, that a villeine may have three actions against his Lord, that is to say, an Appeale of the death of his ancestor, an Appeale of rape done to his wife, & an Appeale of maim.

And note well, if two parceners bring a writ of Niefery, and one of them be nonsuit, the nonsuit of him shall be judged the nonsuit of them both, so that if that nonsuit be after appearance, they shall be barred from that action for ever, for the law is such in favour of Libertie.

ses executors, les quenz sont villeines al dit Seignior, & de vie, les villeines averont action de det envers leur Seignior. Et nient obstant que il plede ovesque eux, & il face protestation, ils ne seront pur tant enfranchise, pur ceo que ils sont de recover le det avardit al use de un auter person, cestascavoir, al use leur testatour, & nient a leur use demesne.

Et si le tenaunt en dower eyt un villein, le quel purchase certaine terre en fee, & puis le tenant en dower enter, el avera le terf a luy & a ses heirs a tous jours. Et mesme le ley est de tenant a terme de ans de un villeine.

Et nota bien, que le Seignior poit rob, nauster, & chastiler son villein a son volunt: save que il ne poit luy maim, car donques il avera appel de maihim envers luy.

Et nota bien, que un villein poit aver trois actions envers son Seignior, cestascavoir, un appeale de mort son ancestor, un appeal d rape fait a sa fem, & un appeale de maim.

Et nota bien, si deux parceners port brieve de Niefery, & l'un de eux soit nonsuit, le nonsuit de luy sera adjudge le nonsuit de ambideux, issint: que si le nonsuit soit apres appearance, ils seront barre de cest action a tous jours, car le ley est tiel in favorem libertatis.

The Exposition of

Et nota bien, si deux ont un vilain en common, & l'un de eux fait a luy manumission, il ne sera my infranchise envers ambideux.

Et nota bien, que en brieve de *Nativo habendo*, il covient q le Seignior mostre coment le defendant aveigne privie de sanke a celui vilaine de que il est Seignior, &c. Et si il ne nul de ses ancestors ne soit seifie de nul de son sanke, il ne gainera per son Action, si le vilain nad pas conus en court de record luy estre son vilaine.

Et nota bien q en un brieve de *Nieftry* ne purront estre mis plusors Niefes q deux tant seulement, & hoc introducitur prius in odium servitutis. Mes en brie de *Libertate probanda*, purront estre mis tants Niefes come le plaignif voudra.

Et nota bien, que si le vilaine de Seignior soit fue en auncient demesne del Roy, ou autre ville privileged, deins lan & jour, le Seignior poit luy seifer, & si demurt en la ditte ville ou lieu franchise p un an & jour, sans le seifine de son Seignior, il nad my power de luy seifer apres, si il ne va de hors le suifdit franchise.

Et ascuns sont villeines per title de prescription, cest a savoir, que tous lour sanke ont este villeines regardants a le manoir dun Sir de temps dont memory ne curt.

Et ascuns sont fait villeines p leur confession en un Court

And note well, if two have a villeine in common, and one of them make to him a manumission, he shall not be made free against both.

And note well, that in a writ de *Nativo habendo*, it behoveth that the Lord show how the defendant cometh to be privy of the blood of the villein of whom he is Lord, &c. And if hee nor none of his ancestors were not seised of none of his blood, hee shall not win by his action, if the villeine have not knowledged in court of Record himselfe to be his Villeine.

And note well, that in a writ of *Nieftry* may not be put more Niefes than two onely, & this was first brought in in hatred of bondage. But in a writ de *Libertate probanda* may be put as many Niefes as the plaintife will.

And note well, that if the villeine of a Lord be fled in auncient demesne of the King, or other towne privileged within a year & a day the Lord may seife him, & if he dwell in the same towne or other place franchised by a year & a day, without seiffin of the Lord, he hath no power to seife him after, if hee go not out of the foresaid franchise.

And some be villeines by title of prescription, that is to say, that all their blood have bene villeines regardants to the manoir of the Lord from time out of minde.

And some be made villeines by their confession in a Court

of B. cord. Also the Lord may make a manumission to his villeine, and maketh him free forever.

Also if the villeine bring any action against his Lord, if it be not appeale of maihem, and the lord without protestation make answer unto it, then by this the villeine is made free.

Also if a villein purchase land, & hath goods, & sell the goods & lands before any entry or seisin made by the Lord, the sale is good. But the King which is Lord of a villeine, in such case may enter and seise the land after such sale made. For no time runneth against the King.

Villeinous judgment.

Villeinous judgment is that that is given upon an Indictment of conspiracy, sz. that the party found guilty shall lose the benefit of the law, shall never more be sworn in juries or assizes, nor admitted to give any testimony elsewhere: & if he have to do in the Kings courts, that he shall come by attorney, and not in person, that his lands, goods & chattels shall be seised into the Kings hands, and stripped if he finde not the more favour, and his tress digd up, and his body imprisoned. See 24. E. 3. 34. b. & 27. Aff. pl. 59.

Viscount.

Viscount is either the name of a degree or state of honour under an Earle, and above a Baron, or else the name of a

de Record. Auxy le Sñr poyt faire un manumission a son villeine, & luy infranches a tous jours.

Auxy si le villeine port ascun action vers son Seignior, si ne soit appeale de maihim, & le Seignior a c'sans protestation fait respons, donques per ceo le villeine est franchises.

Auxy si un villeine purchase terre, & ad biens, & vend les terres & biens devant ascun entre ou seisin fait p le Seignior, la vender est bon: mes le roy, q est Sñr de villein, en tiel case poit enter & seiser le terre apres tiel vendition fait, *Quia nullum tempus occurrit Regi.*

Villeinous judgement.

Villeinous judgement est ceo que est done sur un Indictment del conspiracy, sz. q le party treuve culpable perdera son franke ley, ne serra plus mise en Juries ou Assises, ne aylors en testmoignance del verity. Et sil ad faire en Courts le Roy que face son attourney, & que ses terres, biens, & chattels sont seises en maines le Roy, & estrepes sil ne poit melior grace aver, & ses arbres eraces, & son corps imprison. Veies 24. E. 3. fol. 34. b. & 27. Aff. pl. 59.

Viscount.

Viscount est lou le nosme de un degree ou state de hon soubz un Countee, & paramoit un Baro, ou le nosme de un

The Exposition of

an Magistrate & Officer del graunde authority, q nous communement appellom (Sheriffe) ou de parler plus veraiment (Shire reve) & fuit al prim appel (shire gereve) cest adire Cu stos comitat, ou le reve ou Ruler del Countie, car (Gereve) esteant derive de Saxon parol (*Gereteon*) p rule, fuit al prim appel (*Gerecfa*) & donqs (*Gerefa*) que betoken un ruler.

Et de ceo vient (Portreve ou Portgreve) un nosme que en viel temps fuit done al chief Officer d'un Ville, & signifie le gouvernor del Ville, pur ceo que (Port) veniens de le Latine parol (*Portus*) signifie un port Ville, & (*Gereve*) esteant derive cõe est avantdit, signifie un Ruler, issint que Portgreve, ou cõe nous a ore briefment parle ceo (Portreve) est le Governour del Ville.

Et issint fuit le chiefe Officer ou Governor del Citie de Londres long temps past (devant que ils ad le nosme del Maior ou Bailifes) appel, come il appiert en divers vieulx monuments: Mes principalement en le Saxon Charter de *Guiliam Bastard le Conqueror*, q issint commence.

William le King greit *William* Biscoop, & *Godfrey* ges port Gerefant, & dalle tha Burwarrren theon London beon, &c.

Issint ils de Germany (de q nous & nostre language ensemble primerment vient) appel enter eux un governour *Burgreeve*, un autre *Margreeve*,

Magistrate & Officer of great authority, whom we commonly call (*Sheriffe*) or to speak more truly (*Shire reve*) and was at the first called (*Shire gereve*) that is to say, the keeper of the Shire, or the Reeve or Ruler of the Shire, for (*Gereve*) being derived of the Saxon word (*Gereteon*) to rule, was first called (*Gerecfa*) and then (*Gerefa*) which betokeneth a Ruler.

And hereof cometh (*Portreve* or *Portgreve*) a name that in old time was given to the head Officer of a Towne, and signifieth the Ruler of the Towne, for that (*Port*) coming of the Latine word (*Portus*) signifieth a Port town, and (*Gereve*) being derived as is aforesaid, signifieth a Ruler, so that *Portgreve*, or as we now shorter speak, a *Portreve*, is the Ruler of the Towne.

And thus was the head Officer or Governour of the City of London long since (before they had the name of *Majoz* or *Bailifes*) called as it doth appeare in divers old Monuments: but chiefly in the Saxon Charter of *William Bastard the Conqueror*, which thus beginneth.

William the king greeteth *William* the Bishop, and *Godfrey* the *Portreve*: also the Citizens that in London be, &c.

So also they of Germany (from whom we and our language together first came) call among them one governour *Burggrave*, another *Margrave*, and another

another Langsgræve, with such like, &c.

Thus much is said owely to shew the right Etymon and antiquity of the word (Sheriffe) to which Officer our Common Law hath alwayes accordingly given great trust and authority, as to be a special preserver of the peace. And therefore all obligations that he taketh to the same end, are recognisances in Law.

He also is a Judge of Record when he holds the Leets or Turnes, which are Courts of Record.

Also he hath the execution & returne of Writts, and impannelling of Juries, and such like, &c.

Uncore prist.

UNcore prist is a plea for the defendant in debt upon an obligation, who being sued because he did not pay the debt at the day, pleads to save the forfeiture, that he tendered the money at the day and place, & that no body was there to receive it: & sayes over that he is yet ready to pay it. And where a man ought to plead over, that he is yet ready, and where not, see in Perkins sect. 783. & 784. & Coke 9. b. f. 79. a. b. in H. Peytors case.

Volunt.

Volunt is when the tenant holdeth at the will of the lessor, or of the Lord, and that is in two manners.

One is, when I make a lease

& un autre Langsreeve, over tielx semblables, &c.

Cest tant est dit tant seulement par monstre le droit Etymon & antiquity de pol (Sherife) a quel Officer nostre common ley ad tous foits accordant done grand confidence & authority, come destre un special preserver del peace. Et pur ceo routs obligations que il prist a mesme le purpose, sont come recognisance en ley.

Il auxy est un Judge de Record quant il tient les Leets ou Turnes, les queux sont courts de record.

Item il ad le execution & retourne des Brieves, & impannelling des Juries, & tiels semblables, &c.

Uncore prist.

UNcore prist est un plea pur le defendaunt en det sur obligation, que esteant sue pur ceo que ne paya le debt al jour plead pur sàver le forfeiture q il tender les deniers al jour & lieu, & que nul fuit la pur recevoir: & dit ouster que il est uncore prist de payer. Et lou home doit pleader ouster uncore prist, & lou nemy, veies en Perkins sect. 783. & 784. & Coke lib. 9. fo. 79. a. b. in H. Peytors Case.

Volunt.

Volunt est quante le Tenant eyent a le volunt del Lessor ou del Seignior, & ceo est en deux manners.

Un est, quant ico face lease a

The Exposition of

un home de terres, a tener a ma volunt, donques ieo puisse luy ouster a mon pleasure: Mes si il emblee le terre, & ieo luy ousta, donques il avera son embleement, & egressé & regresse ielsques ils sont maturez, & eux scier & carier hors d'iceux.

Et tiel tenant a volunt nest pas tenu de sustainer & repayer le meison, sicome Tenant a terme de ans est tenu: Mes si il fait voluntary waste, le lessor avera vers luy uaction de Trespasse.

Auxy la est auter tenant a volunt del Seignior, per Copy de Court Rol solonque le custome del Mannor: Et tiel tenant poyt surrender le terre en les maines le Seignior per le custome al use un auter pur terme de vie, ou en fee simple, ou fee taile, & donqs il prendra le terre del Seignior ou son Seneschal p copie, & ferra fine al Seignior Mes si le seignior ousta tiel Tanant, il nad remedy mes de fuer per petition, & si tiel Tenaunt voile implead un auter des terres, &c. il covient enter un plaint en le Court, & countera en le nature de quel brieve il voit, sicome le case gift.

Voucher.

Voucher est quant *Præcipe quod reddat* de terre est port vers un home, & un auter doit garrant le terre al Tenant, donques le Tenaunt luy vouchera a garrantie, & sur ceo il avera

to a man of lands, to hold at my will, then I may put him out at my pleasure: But if he sowe the ground, & I put him out, then he shall have his corne and going out & coming in til they be ripe to cut and carry out of the ground.

And such tenant at will is not bound to sustaine & repaire the house, as a tenant for terme of yeares is bound: But if he make wilfull waste, the lessor shall have against him an action of Trespasse.

Also there is another Tenant at will of the Lord, by copy of Court Roll according to the custome of the Mannor: and such a tenant may surrender the Lands into the hands of the Lord by custome to the use of another for terme of life, or in fee simple, or in taile, and then he shall take the land of the Lord, or his Steward by Copy, and shall make fine to the Lord: But if the Lord put out such a Tenant, he hath no remedy but to sue by petition, and if such a tenant will implead another of the Lands, &c. he ought to enter a plaint in the court, and shall declare in the nature of what writ he will, as the case lieth.

Voucher.

Voucher is when a *Præcipe quod reddat* of Land is brought against a man, and another ought to warrant the land to the Tenaunt, then the Tenaunt shall vouch him to warranty, and thereupon hee shall have

have a writ called Summoneas ad warrantizandum. And if the Sheriffe returne that he hath nothing by the which he may be summoned, then there shall go forth a writ called Sequatur sub suo periculo, and when he cometh he shall plead with the demandant, and if he come not, or if he come and cannot barre the demandant, then the demandant shall recover the land against the tenant, and the Tenant shall recover as much land in value against the Voucher, & thereupon shall have a writ called Capias ad Valentiam, against the Voucher.

Look more of Voucher before in the title of Garrantie.

Vses.

Vses of Land had beginning after that the custome of property began amongst men: as where one being seised of lands in fee simple, made a feoffment to another without any consideration, but onely meaning that the other should be seised to his use, and that he himselfe would take the commodity and profits of the lands, and that the feoffee should have the possession and franktenement thereof to the same use, &c.

Now after this, upon good considerations, and to avoid divers mischiefs and inconveniences, was the Stat. of an. 27. H. 8. c. 10. provided, which uniteth the use and possession together, so that who hath the use of the Land, the same hath the

un Briefe appel Summoneas ad warrantizandum: Et si le Viscount retourne que il nadiens per que il poyt este summon, donques issira briefe appell Sequatur sub suo periculo, & quaur il vient il pleadera ovesque le demaundant, & si vient & ne poist barre le Demaundant, donques le Demaundant recovra le terre vers le Tenaunt, et le Tenaunt recovra tant de terre en value vers le Voucher, & sur ceo il avera un Briefe appel Capias ad Valentiam, vers le Voucher.

Vide pluis de Voucher devant, tit. Garrantie.

Uses.

Vses de terre ad son commencement apres que le custome de pproperty commence enter homes: come ou unesteant seise de terres en Fee simple, fait un feoffment al un auter sans aucun consideration, mes seulement meaning q l'auter serroit seise al son use, & que il mesme voile prendre le commoditie & profits d les terres, & que le feoffee doit aver le possession & franktenement d ceo al mesme le use, &c.

Ore apres ceo, sur bone considerations, & pur avoyder divers mischiefs & inconveniences, fuit le Stat. de an. 27. H. 8. ca. 10. purview, quel uniter le use & possession ensemble, issint que il que ad le use de terre, & il mesme ad le possession

The Exposition of

sion de ceo, accordant al use que il avoit en ceo per vertue de cest estatute.

Usury.

USury est un gaine de tascun chose ouster le principal, ou ceo q fuit lent, exact solement en consideration de le loan, soit il de Corne, Viande, Apparel, Wares, ou tiex semblables, come demoney.

Et icy mult poyt estre dit, & divers cascs poyent estre mys concernants Usury, le quel de purpose ico omit, solement ico pria, que ceux que accompt eux mesmes religious & bone Christians ne voylent deceive eux mesmes per colour de le statute de Usury, pur ceo que le statute dit, que il ne serra loyal pur aucun de prendre ouster x. li. en le C. li. pur un an, &c. per que ils collect (mes fauxment) que il poyent per ceo prendre x. li. par le loan dun C. li. ove un bone conscience, pur ceo que le Statute selonque un maner dispence ove ceo, (pur ceo que il ne punish tielx prendors) quel chose il ne poyt fayre ove les Leyes & Ordinances de Dieu, car Dieu voyle aver ses decrees observe inviolable, que dit, Lend, expectant pur nul chose pur ceo, &c. Per queux parolx est exclude, le prisel de x. li. v. li. ou de un denyer ouster le principal. Mes plus pensant tiels. que cest Statute fuit fair surtiel semble cause que movent *Moses* de doner un bil de

possession thereof, according to the use he hath therein by vertue of that Statute.

Vsfury.

USury is a gaine of any thing above the principall, or that which was lent, exacted only in consideration of the loane, whether it be Corne, Wheat, Apparell, Wares, or such like, as money.

And here much might be said, and many Cases might be put concerning Usury, which of purpose I omit; onely I wish that they who account themselves religious and good Christians, would not deceive themselves by colour of the Statute of Usury, because the Statute saith, that it shall not be lawfull for any to take above x. li. in the C. li. for a yeare, &c. whereby they gather (although falsly) that they may therefore take x. li. for the loane of an C. li. with a good conscience, because the Statute doth after a sort dispence withall, (for that it doth not punish such taking) which thing it cannot doe with the Lawes and ordinances of God, for he will have his decrees to be kept inviolable, who saith, Lend, looking for nothing thereby, &c. by which words is excluded either the taking of ten pound, or five pound, yea, or one peny above the principall. But rather let such thinke, that Statute was made upon like cause that moved Moses to give a bill of divorce to the *Isra*

Israelites, as namely to avoide a greater mischief, and for the hardnesse of their hearts.

And now let all men know, that by the Statute of 13. Eliz. chap. 8. hee that takes under ten pounds for the loan of C. li. for a yeaere, shall forfeit the interest so taken, and therefore the Statutes give no countenance or protection to Usurers: And to say so is a slander to our Law. And the Statute of 21. Jac. chap. 17. hath expressly ordained that no word in that law shall be construed and expounded to allow the practice of Usury in point of Religion or Conscience.

Utlary.

UTlary, is when an Exigent goeth forth against any man, to appeare in any Court to make answer to any action or indictment, and Proclamation made in five Counties, then at the first County if the defendant appeare not, then the Coroner shall give judgment that hee shall be out of the protection of the King, and out of the ayd of the Law.

And by such an Utlary in Actions personals, the party outlawed shall forfeit all his goods and chattels to the King.

And by an Utlary in felony he shall forfeit as well all his Lands and tenements that hee hath in fee simple, or for terme of his life, as his goods and chattels.

divorce a les Israelites, comme nousmement pur avoyder un greinder mischief, & pur le duritie de leur cœurs.

Et a ore tous gens sachane que per lestatute de 13. *Eliz. cap. 8.* cestuy que prist desouth x.li. pur le loan dun C. li. pur un an, forfeit l'interest issint prise; & pur ceo les statutes ne donont ascun countenance ou protection as Usurers: Et issint adire est un mentery controuee contre nostre ley. Et lestatute de 21. *Jac. cap. 17.* ad ordeine expressement que nul parol en ceo ley serra construe ou expound pur alower le practice del Usury, en point del Religion, ou Conscience.

Utlarie.

UTlarie, est quaut un Exigent issint vers ascun home de appearer en ascun Court de faire respons al ascun action ou indictment, & Proclamation fait en 5. Counties, & si le defendaunt ne appeare, donques le Coroner donera judgement que il serra hors de protection de Roy, & hors del aide le Ley.

Et per tiel utlarie en Actions personals, le partie utlage forfeitera tous ses biens & chateux al Roy.

Et per utlary en felony il forfeitera auxy bien tous ses terres & tenements que il ad en fee simple, ou pur terme de sa vie, come ses biens & chateux.

The Exposition of

Auxy mesque un home soit utlage, uncore si ascun discontenance ou erreur soit en la suit del Proces, le party de ceo avera la advantage, & per tiel cause l'utlagary serra reverse & adnulle.

Auxy si le party defend soit ouster la Mere al temps del utlagarie pronounce, ceo est bone cause de reversal de utlagarie.

Auxy si un Exigent soit agard vers un home & un countie lou il ne demur pas, uncore un Exigent ove Proclamation issira al county lou il demurre, ou autrement sil soit sur ceo utlage, utlagarie poit este reverse, come appiert per le statute fait *Anno 6. & 4. H. 8. cap. 4.*

Auxy si un soit utlage en action personal al suit dun autre, & puis il purchase sō charter de pardon de Roy, tiel charter ne serā iā pais allowe, ranque il ad sue un brieve de *Scire facias* de garā le party plaintife, & si il appeare, donques le defendant respondera a luy, & luy barre de sa action ou autrement de faire agreement ovesque luy.

Verum.

Verum est un brieve, & gift quaut le droit de ascun Eglise est aliene & tenu en lay fee, ou translate en possession dauter Eglise, & alienour devie, donques son successeur avera le dit brieve, per que un enquest serra charge de trier

Also though a man bee outlawed, yet if any error or discontenance be in the suit of the proces, the party thereof shall have advantage, and for such cause the utlary shall be reversed and adnulled.

And if the party defendant be over the Sea at the time of the Utlary pronounced, that is a good cause of the reversall of the Utlary.

Also if an Exigent be awarded against a man in one county where he dwelleth not, yet an Exigent with Proclamation shall goe forth to the County where he dwelleth, or else if he be thereupon outlawed, the Utlary may be reversed, as it appeareth by the statute made the 6. and 4. yeare of king H. 8. c. 4.

And if a man be outlawed in action personal at the suit of another, and after he purchase his Charter of pardon of the King, such Charter shall never be allowed, till he hath sued a writ of *Scire facias* to warne the party plaintife, & if he appeare, then the defendant shall answer him, and bar him of his action, or else to make agreement with him.

Verum.

Verum is a writ, & it lyeth when the right of any church is aliened & holden in lay fee, or translated into the possession of any other Church, & the alienour dyeth, then his successor shall have the said writ, whereof an enquest shall be charged to try

try whether it be the free almes
of the Church, or lay fee.

And note well, that none that
have cobent or common seale,
may maintaine this writ, but a
writ of Entre sine assensu Capi-
tuli, of the alienation made by
his predecessor.

*Utrum sit libera elemosyna Ec-
clesie, vel laicum feudum.*

Et nota, que nulque ad co-
vent ou common seale, poit
meintener cest briefe, mes
briefe de Entre sine assensu Capi-
tuli, de alienation fait per son
predecessor.

W.

Wage.

WAge, is the giving se-
curity for the perfor-
ming of any thing; as
to wage Law, & to wage delibe-
rance, which see before in Gage.
None wageth law against the
king, Brook tit. Chose en Action,
nu. 6. See Law.

Waife.

WAife, is when a thiefe hath
feloniously stolen goods, &
being nearly followed with Hue
and cry, or else overcharged
with the burden or trouble of
the goods, for his ease sake and
more speedy travailling, without
Hue and cry, flyeth away, and
leaveth the goods or any part of
them behinde him, &c. then the
Kings officer, or the Reeve or
Bailife to the Lord of the man-
nor (within whose jurisdiction
or circuit they were left) that by
prescription, or grant from the
king, hath the franchise of
waife, may seise the goods so
waived to their Lords use, who
may keepe them as his owne
proper goods, except that the

W.

Wage.

WAge est le donant se-
curity par le perfor-
mance de aucun cho-
se; come a gager ley, & a gager
deliverance, queux veies devat
en Gage. Nul gagera ley en-
counter le Roy, Brook tit. Chose
en Act. ou nu. 6. Veies Ley.

Waife.

WAife, est quant un laron
ad feloniouslyment emblee
biens, & esteant neerement
pursue ove hue & crie, ou au-
terment surcharge ove le bur-
den ou trouble des biens, pur
son ease & plus speedy travaille
sans hue & cry, sua & waiva les
biens ou aucun part de eux a-
rere luy, &c. donques le offi-
cer del Roy, ou le Reeve ou
Bailife al Seignior del man-
nour (deins que jurisdiction
ou circuit ils fueront waife)
que par prescription, ou grant
de roy, ad le franchise de waif,
poyent seiser les biens ainsi
waife al use de leur Seigniors,
que poyent retaine eux come
ses proper biens, sinon que le

The Exposition of

owner vient ovesque fresh suit apres le felon, & sue un appeale, ou done en évidence envers luy al son arraignment sur le indictment, & il est attaint de ceo, &c. En queux cases le primer owner avera restitution de ses biens illint emblee & waife.

Mes nient obstant, come ad este dit, waife est properment de biens emblees, uncore waif poyt este auxy de biens nient emblees: Come si un home soit pursue ovesque hue & cry, come un felon, & il sue & relinquish ses biens demesne, &c. ceux serra prise come biens waife, & forfeit come ils ad este emblees.

Mes veies *Foxleyes case*, *Coke lib. 5. fol. 109. b.* que ceux ne sont bona waiviata, sed bona fugitivorum queux ne sont forfeits tanq̄ soit trove devant le Coroner, ou autrement de record que il sua pur le felony.

Waife.

WAive, est un feme que est utlage, & il est appel waive, quasi relicta a lege, & nemy utlage come: Car femes ne sont jures en Leets al Roy, ne al ley, come homes sont, & pur cest cause ils ne poyent este dit utlage, entrant q̄ ils ne unques fueront deins ceo. Veies *Fitz. N. B. fo. 161. A.*

Mes un home est dir utlage, pur ceo que il soit un foirs jure a le ley: Et a ore pur contempt

owner come with fresh suit after the felon, & sue anappeale, or give in evidence against him at his arraignment upon the indictment, and he be attainted thereof, &c. In which cases the first owner shall have restitution of his goods so stolen and waived.

And although, as hath bene said, waife is properly of goods stolen, yet waife may be also the goods that are not stolen: As if a man be pursued with hue and cry, as a felon, and he flyeth and leaveth his owne goods, &c. these shall be taken as goods waived, and forfeit as if they had bene stolen.

But see *Foxleyes case*, *Coke lib. 5. fol. 109. b.* that these are not goods waived, but goods of fugitives, which are not forfeited till it be found before the Coroner, or otherwise of record that he fled for the felony.

Waive.

WAive, is a woman that is outlawed, and she is called waife, as left out or forsaken of the law, & not an outlaw as a man is: For women are not sworn in testes to the King, nor to the Law, as men are, who therefore are within the Law, whereas women are not, & for that cause they cannot be said outlawed, in so much as they never were within it.

But a man is called outlaw, because that he was once sworn to the Law: And now for contempt

tempt he is put out of the Law,
e is called utlaw, as one should
say without benefit of the law.

Wapentake.

WApentake is al one with that
which we call Hundred, as
appareth by Bract. lib. 3. tract.
2. chap. 1. in the end. Master
Lambert in his explication of
Saxon words, word Centuria,
saith, That this word Wapen-
take is more especially used at
this day in the Countreies be-
yond the River Trent: And in
the lawes of King Edward (by
him set forth) num. 33. it is most
plaine in these words. And
what the English terme Hundred,
the foresaid Countreies call Wa-
pentake.

The Statutes An. 3. Hen. 5.
c. 2. and An. 9. Hen. 6. c. 10 and
An. 15. Hen. 6. c. 7. make mention
of Staincliffe Wapentake, and
Friendlesse Wapentake in Cra-
ven in the Countre of York.
See Roger Hoveden, part. poster.
Annal. fol. 346.

Warden.

WArden is of the same signi-
fication as is the French
word Gardeine, and therefore
of this see more in the title Gar-
deine: But it is the most usual
word of all that write in Eng-
lish, for him that hath the cu-
stodie and charge of any person
or thing by office, as Wardens
of the Fellowships in London,
Anno 14. Hen. 8. cap. 2. War-
den Courts, Anno 31. Hen. 6.
cap. 3. Warden of the Marches,

il est mis hors del ley, & dictus
utlagatus, quasi extra legem
positus.

Wapentake.

WApentake est tout un oye
ce que nous appellons
Hundred, come appiert per
Bract. Lib. 3. Tract. 2. Cap. 1.
num. 1. in fine. Monsieur Lam-
bert en son explication de Sa-
xon parols, verbo Centuria, dit,
Que cest parol Wapentake est
pluis especialment use a cest
jour en les pays ouster le fluve
de Trent: Et en les Leyes del
Roy Edward (per luy public)
num. 33. il est fort plaine en
ceux parols, Et quod Angli vo-
cant Hundredum, suprad est co-
mitatus vocant Wapentakum.

Les Statutes Anno 3. Henr.
5. cap. 2. & Anno 9. Hen. 6. cap.
10. & Anno 15. H. 6. cap. 7. font
mention de Staincliffe Wapen-
take, & Friendlesse Wapen-
take en Craven en le Countre
de Everwicke. Veies Roger
Hoveden part post. An. fo. 346.

Warden.

WArden est de mesme signi-
fication come est le parol
Francois Gardeine, & pur ceo
veies pluis en le title Gardein:
Mes il est le pluis usual parol
de tous que escrient en An-
glois, pur luy que ad le custo-
die ou charge de ascun person
ou chose per office, come War-
dens d'Fraternities e Londres,
Anno 14. Hen. 8. cap. 2. War-
den Courts, Anno 31. Henr. 6.
cap. 3. Warden del Marches

Anno

The Exposition of

Anno 4. H. 7. cap. 8. Ferry warden. Anno 18. Eliz. cap. 10. & Anno 27. Eliz. cap. 26. Wardens del peace, Anno 2. E. 3. cap. 3. Wardens del West Marches, Cambden Brit. pag. 606. Warden del Forest, Manwood part. 1. pag. 111, 112. Wardens del Aulnage, Anno 18. H. 6. cap. 16. Warden del Armour le Roy en le Tower, Anno 1. Edw. 4. cap. 1. Chiefe Warden del Forest, Manwood part. 1. pag. 42, 43. Warden del Wardrobe le roy, Anno 5. H. 3. Stat. 5. Wardens des Tables del Eschange le roy, Anno 9. Ed. 3. Statut. 2. cap. 7. & Anno 9. Hen. 5. Statut. 2. cap. 4. Warden des Rolles del Chancerie, Anno 1. Edw. 4. cap. 1. & 5. Et Wardens & Communalitie des Terres contributory al Rochester Bridge, Anno 18. Eliz. cap. 17.

Wardmote.

Wardmote est un terme mention en lestatute de 32. H. 8. cap. 17. & signifie un Court que est tenu en chescun ward en Londrs, & est usualment appel le Wardmote Court, ou le Wardmote Enquest.

Warrantia diei.

Warrantia diei est un briefe que gist en case lou home ad jour en ascun action sue vers luy de appeare en proper person, & le roy a cest jour ou devant luy maunde en ascun service, issint que ne poit appeare al jour en court, don-

Anno 4. H. 7. cap. 8. Ferry warden, Anno 18. Eliz. cap. 10. & Anno 27. Eliz. cap. 26. Wardens of the Peace, Anno 2. Edw. 3. c. 3. Wardens of the West Marches, Cambdens Brit. pag. 606. Warden of the Forest, Manwood part. 1. pag. 111, 112. Warden of the Aulnage, Anno 18. H. 6. cap. 26. Warden of the Kings Armour in the Tower, Anno 1. Edw. 4. cap. 1. Chiefe Warden of the Forest, Manwood part. 1. pag. 42, 43. Warden of the kings Wardrobe, Anno 5. Hen. 3. Stat. 5. Wardens of the Tables of the Kings Exchange, Anno 9. Edw. 3. Statut. 2. cap. 7. & Anno 9. H. 5. Statut. 2. cap. 4. Warden of the Rolles of the Chaucery, Anno 1. Edw. 4. cap. 1. & 5. And Wardens and Communalty of Lands contributory to Rochester Bridge, Anno 18. Eliz. cap. 17.

Wardmote.

Wardmore is a terme mentioned in the Statute of 32. H. 8. cap. 17. and it signifies a court that is kept in every ward in London, and is usually called the Wardmote Court, or the Wardmote Inquest.

Warrantia diei.

Warrantia diei is a writ that lyes in case where a man hath a day in any action sued against him to appeare in proper person, and the King at that day or befoze imployes him in some service, so that he cannot appeare at the day in court, then he

he may have this writ directed to the Justices, that they shall not record him to be in default for his not appearing. And see of this Fitz. N.B. fol. 17. A. and for the forme of the writ see Glanville also, lib. 1. cap. 8.

Warrantia chartæ.

Warrantia chartæ is a writ that lyes for him that is infeoffed with warranty, and is afterward impleaded in an Assise or other action in which he cannot vouch, then he may have this writ against the feoffor or his heire, to compell them to warrant the land unto him. And see of this Fitz. N.B. fol. 134. D.

Warren.

Warren, is a place privileged by prescription or grant of the King for the preservacion of Hares, Conies, Partridges, and Pheasants, or any of them.

Warwit.

Warwit, (or Wardwit, as some copies have it) that is to be quit of giving of money for keeping of wards.

Wast.

Wast, is where tenant for terme of yeares, tenant for terme of life, or tenant for terme of anothers life, tenant in dower, or tenant by the curtesie, or gardian in Chivalry doth make wast or destruction upon the land, that is to say, pullerh downe the house, or cut-

ques il poit aver cest briefe direct as Justices, que ils ne record luy destre en default pur son non appearance. Et veies de ceo Fitz. N.B. fo. 17. A. & pur le forme del briefe veies Glanville auxy, lib. 1. cap. 8.

Warrantia chartæ.

Warrantia chartæ est un briefe que gist pur cestuy que est infeoffe ove garranty, & est apres implead en un Assise ou autre action, en que ne poit vouch, donques il avera cest briefe vers le feoffor, ou son heire, par compell eux de garantir le terre a luy. Et veies de ceo Fitz. N.B. fo. 134. D.

Warren.

Warren, est un lieu privileged per prescription ou graunt del roy pur le preservacion del Leverets, Cunicles, Perdices, & Pheasants, ou aucun de eux.

Warwit.

Warwit, (ou Wardwit, come aucuns copies ad ceo) hoc est quietum esse de danariis dandis pro wardis faciendis.

Wast.

Wast, est lon tenant a terme dans, tenant a terme de vie, ou tenant per terme d'autre vie, tenant en dower, ou tenant per le curtesie, ou gardeine en Chivalry fait wast ou destruction sur la terre, cest-ascavoir, fil debrusa meason, ou coupe merisme, ou suffer le meason,

The Exposition of

meason voluntarie pur eschier, ou foder la terre, donques cesty en le reversion a vera un brieft pur cest wast, & recouera le lieu ou le waste fuit fait, & treble damages.

Et si home coupe merisme fauns licence, & ovesque ceo repaire les ancient measons, uncore ceo nest pas wast. Mes si il ovesque le merisme edifia un novel meason, donques le couper p tiel merisme est wast: Auxy le couper de subboys ou Willowes, que nest pas merisme, ne serra dit wast, sinon que cressont en le view ou scie del meason.

Wharfe.

WHarfe est un parol use en lestatute de 1. *Eliz. cap. 11.* & en auters statutes, & est un ample lieu procheine al creek ou hithe del eave sur que biens & wares sont jects, queux sont desti escripts & transports del un lieu al autre.

Wubernam.

Withernam est le prisure ou chaser dun distresse a un fortresse, ou hors del County, issint que le Viscount ne poit sur replevin faire deliverance de ceo al party distraine, en q cas un brief de *Withernam* est direct al Viscount pur le prisel de tants de ses avers que issint illoyalment distraine, ou tants de ses biens en son custody, iesque il ad fait deliverance de le primer distresse.

seth downe timber, or suffereth the house willingly to fall, or diggeth the ground, then he in the reversion shall have one writ for that wast, and shall recover the place where the wast is done, and treble damages.

And if a man cut downe timber without licence, and therewith repaireth old houses, yet that is no wast. But if he with the timber build a new house, then the cutting downe of such timber is wast: also the cutting downe of under wood, or willowes, which is no timber, shall not be said to be wast, but if they grow in the sight or shadow of the house.

Wharfe.

WHarfe is a word used in the statute of 1. *Eliz. cap. 11.* and other statutes, and it is a broad place neare to a creek or hithe of water, upon which goods and wares are laid, which are to be shippt and transported from place to place.

Withernam.

Withernam is the taking or dysting of a distresse to a hold, or out of the County, so that the Sheriffe cannot upon replevin make deliver thereof to the party distrained, in which case a writ of *Withernam* is directed to the Sheriffe for the taking of as many of his beasts that did thus unlawfully distraine, or as much goods of his into his keeping, untill he hath made deliverance of the first distresse.

Streffe. Also if the beasts be in a **Forlet** or **Castle**, the **Sheriffe** may take with him the power of the **County**, and beat down the **Castle**, as appeareth by the Statute of **Westminst.** 1. chap. 20. **Brit. chap. 27.**

Woodgeld.

Woodgeld sameth to bee the gathering or cutting of wood within the **Forest**, or money paid for the same to the **Forresters**. And the immunity from this by the **Kings** grant, is by **Crompt.** f. 197. called **Woodgeld.**

Woodmote.

Woodmote is the old name of that **Court** of the **Forest** which is now since the Statute of **Charla de Foresta**, called the court of **Attachments**, & by that Statute is held every forty dayes, but was wont to be held at the will of the chiefe officers of the **Forest**, & at no certaine time. See **Manwoods For. lawes** chap. 22. fol. 207.2.

Woolferthfod.

Woolferthfod is the condition of such which were outlawed in the **Saxons** time for not submitting themselves to Justice, for if they could be taken alive they should be brought to the **King**, & if they in fear of apprehension did defend themselves, they might be slain, and their heads brought unto the **K.** for they carried a **Wolfs** head, that is to say, their head was no more to be accounted of than a

Auxy si les avers sont en un **Fortlet** ou **Castle**, le **Viscount** puit prendre ove luy le power del **County**, & debruser le **Castle**, come de **West. 1. ca. 20.** **Brit. cap. 27.**

Woodgeld.

Woodgeld semble desre le collection ou succider de boys deias le **Forest**, ou argent prise pur mesme al use des **forresters**. Et le privilege de ceo per le grant le roy, est p **Crom.** fol. 147. appel **Woodgeld.**

Woodmote.

Woodmote est le vieil nom de ceo **Court** del **Forest** que a ore apres le Statute de **Charla de Foresta**, est appel le **Court des Attachments**, & p ceo Stat. est tenu chescun 40. jours, mes soloit desre tenu al volunt des chief officers del **Forest**, & nemy al ascun temps certaine. Veies **Manwood For. leyces**, cap. 22. fo. 207.2.

Woolferthfod.

Woolferthfod est le condition de tiels que fueront utlage en le temps del **Saxons**, pur nient submitterant eux mis al Justice, car s'ils poient estre prise en vife, ils serroient port al **Roy**, & s'ils en paver d' apprehension eux mesmes defenderont, ils poient estre tue, & leur testes port al roy; car ils porteront le teste dun **Wolfe**, cest adire, leur teste ne fuit plus desre regard q le teste d'un **Wolfe**,

The Exposition of

Woolfe, que fuit un beast cy
torcious al homes. Veies le
leyes del roy Edouart p Mon-
fieur Lambart fo. 127. nu. 7. &
Bracton lib. 3. Tract. 2. cap. 11.
ceō est escrie *Wulvesheaved* per
Roger Hoveden, part. poster. an-
nal. fol. 343.

Wrecke.

Wrecke, ou *Varech*, (come
les Normans de que il
vient, appellont ceo) est quant
un nief est pish sur le mere, &
nul home escape vive hors d'l
nief, & le nief, ou pt del nief
issint pish, ou les biens del nief
vient al terf d'ascē Sñr, le Sñr
les avera com un wreck d' le
mere. Mes si un hom, ou un
chiē, ou catte, escape vive issint
q' le party a q' les biens sont
veigne deins lan & jour, &
proove les biens destre ses, il
avera eux arere, per provision
del Statute de *Westm. 1. cap. 4.*
fait en les jours del roy *E. 2.*
que en ceo followed le decree
de *Hen. 1.* devant que jours si
un Niese ad estre ject sur le
shore, tōrne ove tempest, &
nemy repaire per eux q' esca-
pont en vie deins un certaine
temps, que donques ceo fuit
prise come Wrecke.

Woolfs head, being a beast so
hurtfull to man. See the lawes
of King Edward by *Master*
Lambert fol. 127. nu. 7. & Bract.
lib. 3. Tract. 2. cap. 11. this is
written *Wulvesheaved* by Ro-
ger Hoveden, part. poster. Annal.
fol. 343.

Wrecke.

Wrecke, or *Varech*, (as the
Normans from whom it
came, call it) is where a Ship is
perished on the Sea, & no man
escapeth alive out of the same.
& the Ship, or part of the Ship
so perished, or the goods of the
Ship come to the Land of any
Lord, the Lord shall have that
as a wrecke of the Sea. But
if a man, or a dog, or a cat, e-
scape alive, so that the party to
whom the goods belong, come
within a yeare & a day, & proove
the goods to be his, he shall have
them againe, by provision of the
statute of *Westm. 1. c. 4.* made in
King *Ed. 1.* dayes, who therein
followed the decree of *H. 1.* before
whose dayes, if a Ship had been
cast on shore, rogne with tempest,
& were not repaired by such as
escaped alive within a certaine
time, that then this was taken
for wrecke.

FINIS.



